

Book	Policy Manual
Section	5000 - Students
Title	Concept and Roles in Student Personnel
Code	5000
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

### **CONCEPT AND ROLES IN STUDENT PERSONNEL**

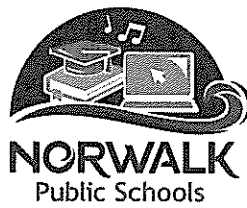
The focus of the school system is on the learner, the student. The student's educational development toward the school's goals is the central concern of the policies of the Board of Education and the administrator's regulations.

Each child shall be given equal opportunity, but since children vary widely in capacities, interests, social and economic background, no two can be treated exactly alike if the fullest development of each is to be achieved.

The Board of Education will attempt to erase any limitations of facilities and means that stand in the way of our schools' availability to all who wish to learn in this school system.

Discrimination among students applying for admission to or attending our schools with respect to race, color, religious creed, age, marital status, national origin, gender or physical disability is prohibited.

Legal	10-15 Discrimination in public school prohibited.
	School attendance by five-year olds 10-226a Pupils of racial minorities
	Title IX of the Education Amendments of 1972
	Section 504, U.S. rehabilitation Action, 1973



Book	Policy Manual
Section	5000 - Students
Title	Admission - Kindergarten, First Grade
Code	5111
Status	Retired
Adopted	September 18, 2007
Last Revised	March 5, 2013
Retired	June 14, 2022

## **ADMISSION**

### **Kindergarten**

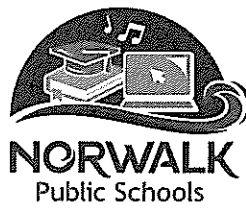
Children entering Kindergarten in September must be at least five years old on or before January 1 of the school year in which they are beginning kindergarten.

### **First Grade**

Children entering First Grade must be at least six years old before January 1st of the school year in which First Grade is started.

Exceptions to this policy for entering First Grade may be made in specific circumstances and subject to conditions outlined in regulations.

Legal	10-15c Discrimination in public schools prohibited School attendance by five-year olds 10-184 Duties of parents
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Book	Policy Manual
Section	5000 - Students
Title	Early Admission to First Grade Regulation
Code	5111-R
Status	Retired
Adopted	September 18, 2007
Last Revised	March 5, 2013
Retired	June 14, 2022

## **EARLY ADMISSION TO FIRST GRADE REGULATION**

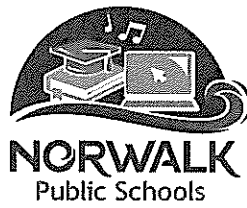
### **Elementary**

#### **First Grade**

Children entering First Grade must be at least six years old on or before January 1st of the school year in which First Grade is started. Exceptions to this policy for First Grade may be made in specific circumstances and subject to the conditions as established in this policy. The following exceptions to regulation regarding age for entering First Grade are made:

- a. Upon written request by a child's parent or guardian requesting early admission, the home school, in consultation with the Superintendent or designee, will perform such assessments of the child's academic, social and behavioral needs to determine if early admission to first grade is in the child's best interest and, if such early admission is determined to be in a child's best interest, then the home school will work in consultation with the child's parents/guardians to develop an appropriate instructional program for the student.
- b. It is important to note that kindergarten attendance is mandatory in Connecticut under Connecticut Status 10-184 and that nothing in this regulation is in any way intended to controvert such state law.

Legal	10-15c Discrimination in public schools prohibited School attendance by five-year olds
	10-184 Duties of parents
	10-185 Penalty



Book	Policy Manual
Section	5000 - Students
Title	Grade Placement
Code	5111.02
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

## **GRADE PLACEMENT**

### **STUDENTS NEW TO NORWALK PUBLIC ELEMENTARY SCHOOLS**

Generally, students new to the school are placed with their age appropriate peers base on the review of academic records and the successful completion of the previous grades. Change to a lower grade as a placement decision must be rarely invoked. If the change of placement is to a lower grade, the student is limited to placement of one grade below the age appropriate grade of the child.

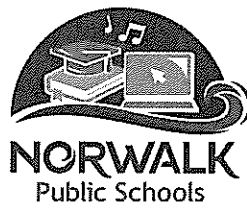
In the event that student enters school with no previous educational experience, the school, using the SRT process, will determine the most appropriate grade placement for the child while considering the factors listed below. It is recommended that a student with no previous educational experience be placed with age appropriate peers and be provided with supplemental instructional and other supports.

In the event that a student enters school with little or interrupted previous educational experience, the school, using the SRT process, will determine the most appropriate grade placement for the child while considering the factors listed below. It is recommended that a student with little or interrupted previous education experience be placed with age appropriate peers and be provided with supplemental instructional and other supports.

In the event that a student enters school from a homeschooling experience, the school, using the SRT process, will determine the most appropriate grade placement for the child while considering the factors listed below. It is recommended that a student with homeschooling experience be placed with age appropriate peers and be provided with supplemental instructional and other supports.

In the event that a student enters school with no, little, interrupted or homeschooling educational experience and the student is age appropriate for middle school or high school, then the student will be placed in the middle or high school designated for the residence of the student.

While students will be placed by educational needs, if a student turns 12 years old by January 1 of the school year the student enters the Norwalk Public Schools, the student will be considered age appropriate for Middle School. Similarly, while students will be placed by educational needs, if a student turns 15 years old by January 1 of the school year the student enters the Norwalk Public Schools, the student will be considered age appropriate for High School. The middle or high school will use appropriate processes to determine the placement and educational program of the student.



Book	Policy Manual
Section	5000 - Students
Title	Grade Placement Regulation
Code	5111.02-R
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

### **GRADE PLACEMENT REGULATION**

Placements of student are made either at the beginning of the school year or at the entry date of the student and are not changed during the current school year.

Home and staff involvement in the decision to change the placement of a child to a lower grade is critically important.

Each student must be considered on an individual basis. In addition to a student's academic achievement, other factors must be considered.

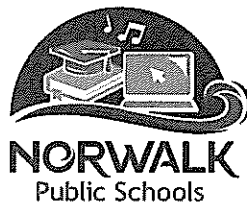
Among these are the following:

1. The Student Response team procedure shall be followed if change of grade placement is under consideration.
2. The student's record of attendance and timeliness must be reviewed. However, a child should not be subject to change the placement to a lower grade solely on the basis of attendance and/or tardiness. The impact of absences and/or tardiness must be viewed in relation to academic expectations for the next grade.
3. The student's levels of physical maturity, emotional maturity, social skills, current language capability and intellectual capacity, pertinent achievement/other test/assessment data where appropriate as well as the chronological age of the child, prior school experience and records, participation and performance in remedial instruction, the lack of educational opportunity in another country and previous retention are all factors that have bearing on the decision to the change of grade placement of each child.
4. Change of placement to a lower grade is only indicated where specialized learning programs and supportive services are judged by the school to be in appropriate to support the student at the next grade level or where change of grade placement is judged to be in the best educational interest of the child. If the change of placement is to a lower grade, the student is limited to placement of one grade below the age appropriate grade of the child.

The following uniform procedures will be followed in making the decision to change the placement of a child to a lower grade of a student:

- a. Parent will be notified in writing of the school's consideration of a change in grade placement.
- b. The change of grade placement will occur at the beginning of the school year or at the date of entry and will not be changed during the current school year.
- c. Prior to the school-based assessment of the child, the school will arrange a SRT conference that will include the parent(s)/guardian(s), parent advocate if requested, teacher(s) involved, and the principal. The purpose of the conference is to discuss the rationale for the change the placement of a child to a lower grade through the review of pertinent data (pre- school documentation, anecdotal, etc.).

- d. The home school will arrange to assess the child using system approved assessment instruments within a reasonable period of time.
- e. Where possible, every effort should be made to observe a child in the classroom setting. It is recommended that the child be observed by a teacher and an administrator on different occasions. Reports of these observations become part of the SRT decisions making process.
- f. If the decision for a change of placement to a lower grade is made, a copy of the decision will be sent to the Director of Elementary Education.



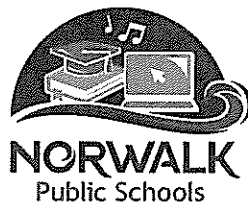
Book	Policy Manual
Section	5000 - Students
Title	Ages of Attendance
Code	5112
Status	Retired
Adopted	September 29, 1995
Last Revised	February 7, 2012
Retired	June 14, 2022
Prior Revised Dates	09/20/1994; 06/20/1995; 08/22/2000; 06/03/1997; 12/16/2008/ 02/07/2012;

#### **AGES OF ATTENDANCE**

According to Sections 10-184 and 10-186 of the Connecticut General Statute, the District shall provide for the education of all persons five years of age and older and under twenty-one years of age who have not graduated from high school or vocational school, except as provided in Connecticut General Statutes section 10-233c and 10-233d. According to Connecticut General Statute 10-76d (b)(2) special education will be provided for children who have not attained school age who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education at an early age.

Parents and/or those who have the care or control of children seven years of age and older and under eighteen years of age are obligated by Connecticut law to cause any such child to attend public day school or its equivalent. A parent or person having control or a child seventeen years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form. The school district shall provide such parent or person with information on the educational options available in the school system and in the community.

Legal	10-15 Towns to maintain schools
	10-15c Discrimination in public schools prohibited
	10-76a – 10-76g re: special education
	10-184 Duties of parent
	10-186 Duties of towns and regional boards of education
	10-233c Suspension of pupils
	10-233d Expulsion
	State Board of Education Regulations 10-76a-1 General Definitions (c) (d) (q) (t)



Book	Policy Manual
Section	5000 - Students
Title	Homeschooling
Code	5112.01
Status	Retired
Adopted	February 21, 2017
Retired	June 14, 2022

### **HOMESCHOOLING POLICY**

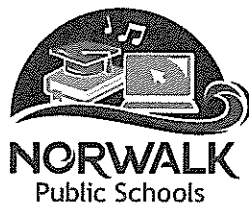
As provided under Connecticut law, "each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless . . . the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." Parents wishing to educate children in the home may do so in compliance with Connecticut General Statutes and thereby assume responsibility to provide their children equivalent instruction in the studies taught in the Norwalk Public Schools.

In accordance with guidance provided by the Commissioner of Education, a parent or guardian who wishes to homeschool his or her child shall notify the Superintendent of Schools (or his/her designee) in writing that the parent or guardian assumes responsibility for the education of the child(ren). The Superintendent shall provide a written acknowledgment to the parent or guardian that the parent or guardian is responsible for the education of the child(ren), including a statement that the Norwalk Public Schools assume no responsibility for the education of the child(ren) while the parent or guardian is educating the child(ren) at home.

When parents or guardians are willing to discuss their decision for equivalent education at home with school personnel, school district staff shall explain the advantages of a public school education to such parents or guardians without any criticism of parental choices.

If parents or guardians return children who for a time have been educated at home to local schools, they shall enroll the child(ren) in the Norwalk Public Schools, and school staff shall conduct an appropriate reentry process to the public schools that is conducted in the best interest of the student. The reentry process shall determine the academic level and grade level placement of the returning student based upon a combination of the student's homeschool portfolio and other information that the parent or guardian may provide in combination with a reentry assessment developed and analyzed by the school's administrator and Curriculum Office.

Legal	10-184 Duties of parents
	10-220 Duties of Boards of Education
	Regulations of the Connecticut State Board of Education



Book	Policy Manual
Section	5000 - Students
Title	Attendance Policy & Regulations
Code	5113
Status	Retired
Adopted	August 29, 1985
Last Revised	May 17, 2016
Retired	June 14, 2022

## **ATTENDANCE POLICY AND REGULATIONS**

### **High School**

Attendance in school and in classes is required for academic success. Parent/guardian cooperation is essential in seeing that students are in attendance and adhering to the procedures and regulations established by the administration.

The administration will publish reasonable rules and regulations regarding authorized, excused, and unexcused absences.

### **Middle School**

Attendance in school and in classes is required for academic success. Parent cooperation is essential in seeing that students are in attendance and adhering to the procedures and regulations established by the administration. The specific procedures approved by the Board of Education relative to the implementation of this policy are specified in the following regulations.

### **Medical Appointments**

Students may be excused for medical appointments which cannot be scheduled at any other times. The school administration will take such steps as are necessary to ensure that the child's attendance is properly documented.

### **Student Attendance 5113 (a)**

**The following general regulations are set by the administration:**

1. In every instance of absence or tardiness, a written or electronic communication, or personal visit is required of the parent or guardian providing the reason.
2. The school will check attendance daily.
3. Dismissal of a student will be granted at the parent or guardian's request. In the elementary school, dismissal in the custody of others than parents (or their surrogates) is not approved. In considering the merits of the case, the principal and administration should take into consideration the attendance record of the students and the student's academic standing and in a normal situation requests should be granted unless either the attendance record or the academic standing of the student would indicate that further absences from school would not be in the best interest of the student.
4. When a student is excused from school, the responsibility for make-up work rest with the student.
5. No student shall leave the school premises during school hours without permission of the principal or designees. No school child shall be permitted to leave school prior to dismissal at the request of or in the company of any other than a school employee, or a police office, a court official or a parent of the child unless the permission of the parent be secured first.
6. In the event a student is detained after school at the school's request, parents should be notified of the detention and length of detention time. The following procedure should be observed:

- A. One day's notice in advance is necessary before the child is detained. By this means, time will be provided for the parents to arrange transportation.
- B. In all other cases of detention, school staff will inform the parents of the reason for the student's lateness in returning home, or provisions will be made for the student to call his/her parents.

### **Picking Up Students during School Hours**

Parents and/or guardians may need to pick up their children from school before dismissal time. If this is the case, the individual must send a written or electronic communication to the school in advance, indicating the day and time of this request. School staff will receive the request and send it to the administration for approval. At the designated time, the parent or guardian should report directly to the main office to pick up the child. He or she will be asked to sign the child out and will be required to show proof of identification (i.e. driver's license). Once this is completed, the child will be released.

### **Request for Release of Students during School Day**

Request must be from or signed by parent or guardian and include the reason, time and date of dismissal. In cases of divorced or legally separated parents of a child, the principal will require that a legal statement designating the custodial parent or guardian be entered in the child's permanent record as a decision-making guide for administration. In cases where a parent/guardian has de facto custodial rights and where not legal document exists, the principal shall consult with the de facto custodial parent/guardian for permission to release the student to the other parent.

### **Attendance – Middle School**

See the following page for the administrative regulations and procedures relative to middle school attendance.

### **Attendance — High School**

#### Definition of an Absence

Connecticut General Statute 10-198a guides local districts in defining absences and aids in the development of attendance procedures: *A student is considered to be "in attendance" if present at his or her assigned school, or an activity sponsored by the school (i.e. field trip), for at least half the regular school day. A student who is not "in attendance" is considered absent.*

Similarly, a student is considered to be "in attendance" to an individual class period if present in the class or at a school sponsored activity (i.e. field trip).

**In high school a student may be absent 10 class periods in a full-year course or 5 class periods in a semester length course before losing credit.**

#### Excused Absence

An absence is considered excused when the attendance clerk receives notification from a parent or guardian.

#### Unexcused Absence

An absence is considered unexcused when the attendance clerk does not receive notification from a parent or guardian.

- Students who are deemed to be unexcused absent from school may be subject to disciplinary consequences. Any student who is unexcused absent may not receive credit for any work due on that day and/or for any work produced by the class on the day of the absence (including assessments).
- If a student is present in school, but does not attend a scheduled class (class cut), such an absence will be considered unexcused. Any student who has cut a class may receive a zero "0" for any work due on that day and/or for any work produced by the class on the day of the absence (including assessments). Also, a student who cuts class will be subject to an extended detention. Persistent cutting of classes will result in additional disciplinary action and administrative intervention.

#### Authorized Absence

Additional documentation beyond the parent notification is required for an absence to be considered "authorized." These absences will not count toward the total. Any absence will be considered "authorized" under the following circumstances:

- Extended illness.
- Student observance of a religious holiday.
- Death in student's family or other emergency beyond the control of the student's family.
- Mandated court appearance.
- Educational opportunities pre-approved by school administration.

#### Notification Process

Course	First Notice:	Second Notice:	Third Notice:	Denial of Credit:
	Communication Home	Communication Home, Student Meeting with Counselor and Housemaster	Formal Meeting with Student and Parent as well as Counselor and Housemaster	Notified of Loss of Credit in Writing, Right to Appeal
Full-Year Course	3rd Absence	6th Absence	8th Absence	11th Absence
Semester Length Course	3rd Absence	x	4th Absence	6th Absence
Quarter Length Course	2nd Absence	x	3rd Absence	4th Absence

### Denial of Credit

Students with absences (unexcused or excused) totaling 10 in a full-year course and 5 in a semester course may be denied credit for the course. Parents will be notified in writing of the denial of credit, and students will have a designated amount of time from the date of the letter to appeal to the attendance committee for restoration/rescind of credit. Students are expected to maintain their current academic progress and attend class during the appeals process. **A student who does not appeal for restoration/rescind, or whose appeal is denied, will still receive the appropriate course grade, which will be utilized for honor roll calculation, but will not receive credit toward graduation.** Depending on the course and the student's cumulative credit count, the course may need to be repeated.

### Right of Appeal

The Attendance Procedure is not designated to deny credit to students who, through no fault of their own, are unable to attend school or class due to legitimate illness or other conditions beyond the student's and/or parent's control. At the end of the **semester or year**, students will have an opportunity to appeal to have credit reinstated/rescinded. To be eligible for the appeal process, students must continue classroom responsibilities and attend class faithfully.

### Appeals Committee and Process

The Attendance Appeals Committee is comprised of school administration and other staff, specifically: a teacher, administrator (not the student's housemaster), guidance counselor (not the student's counselor), and a member of the school's support staff (nurse, psychologist, social worker, possibly a second teacher or counselor). If requested by the student and parent, a student trained in the appeals process will also serve on the committee. Students from the other high school will be given priority to promote objectivity and impartiality. *(For example, Norwalk High School students will be asked to serve on the Appeals Committee at Brien McMahon and vice versa.)* The purpose of this committee is to hear from students (and their families) to determine if credit should or should not be granted in situations where students have exceeded the number of absences in a class. Students wishing to appeal must complete the following (to be determined):

Within a designated amount of time that a student is notified of possible denial of credit, he or she should submit a completed Attendance Appeal Form to the main/house office in order to appeal denial of credit.

- An additional documentation (doctor's notes, etc.) that may help to verify absences should be supplied for consideration.
- The Attendance Appeals Committee will notify the student and his or her family if credit is or is not restored/rescinded.
- In some instances, conditions may be granted for students to have credit reinstated, provided that consistent attendance is achieved.
- Students and/or their parents or guardians may be required to meet with the Appeals Committee to discuss the situation.

All cases will be considered on an individual basis, and when relevant, issues of confidentiality will be respected. The final decision is a majority vote of the Appeals Committee.

**\*The timeline and specific requirements regarding the Appeals Committee Procedure will be published at the start of each semester or school year.**

### Tardiness

Arriving to class on time is an expectation. A student who arrives during the first 10 minutes of class without written authorization from a staff member will be considered **tardy**. After 10 minutes, it will be considered an unexcused absence. Each time a student is **tardy** to class, he or she will receive a school consequence.

The following consequences will be assigned for tardiness:

- Incidents 1-3: Teacher Designated Intervention (Documented) For example: assigned detention, call home, student/parent meeting, lunch detention with teacher...etc.
- Incidents 4-5: Administrator Assigned Detention (Lunch or After School)
- Additional Incidents: Extended Detention, ISS, Tiered Interventions

Regulation approved: 8/28/85 NORWALK PUBLIC SCHOOLS

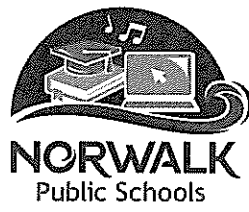
Revised: 6/7/88 NORWALK, CONNECTICUT

Revised: 9/20/94

Revised: 6/20/95

Revised: 5/17/16

Legal	10-184 Duties of parents
	10-185 Penalty
	10-221 Board of Education to prescribe rules (subsection b – re: attendance policies)

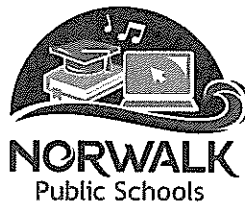


Book	Policy Manual
Section	5000 - Students
Title	Truancy Policy
Code	5113.01
Status	Retired
Adopted	January 8, 1991
Last Revised	June 20, 1995
Retired	June 14, 2022

### **TRAUNCY POLICY**

The Board of Education believes that regular school attendance is essential to the academic success of students. Therefore, it is the policy of the Board of Education to monitor school attendance so as to identify students who are truant or habitually truant, and to enlist the cooperation of parent/guardians and, when necessary, the juvenile justice system, in order to address the problem when it arises.

Legal	Connecticut general Statutes 46b-149 – Truancy P.A. No. 90-240
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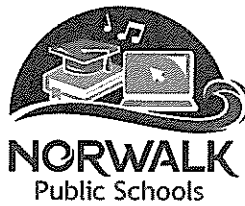


Book	Policy Manual
Section	5000 - Students
Title	Permits to Work Regulation
Code	5113.02-R
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

#### **PERMITS TO WORK REGULATION**

The school system will furnish a certificate of age of any student to an employer wishing to employ said student.

Legal	10-191 Physical examinations
	10-193 Certificate of age of minors in certain occupations
	10-195 Evidence of age
	10-197 Penalty for employment under fourteen
	10-198 False statement as to age



Book	Policy Manual
Section	5000 - Students
Title	Procedures For Monitoring Truancy Regulation
Code	5113.1-R
Status	Retired
Adopted	January 8, 1991
Last Revised	June 20, 1995
Retired	June 14, 2022
Prior Revised Dates	09/20/1994;

#### **PROCEDURES FOR MONITORING TRUANCY REGULATION**

In accordance with the Truancy Policy of the Board of Education, the following procedures are hereby adopted:

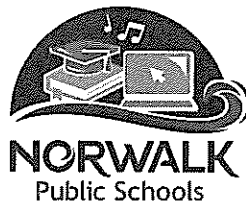
For purposes of these procedures, "truant" means a child enrolled in Kindergarten through grade 1 who has four (4) unexcused absences from school in any one (1) month, or ten (10) unexcused absences from school in any school year. A "habitual truant" means a child who has twenty (20) unexcused absences within a school year. "Parent" means the parent, guardian or other person having control of a child who is enrolled in Kindergarten through grade 12. An "unexcused absence" is defined in Board Policy 5113.

- A. When a child is identified as truant, the Superintendent or his/her designee will conduct a meeting with the parent, the child, if appropriate, and with such school personnel whose involvement is determined appropriate by the Superintendent or his/her designee. The meeting will occur not later than Ten (10) school days after the child's fourth (4th) unexcused absence in a month or tenth (10) unexcused absence in a school year and will be for the purpose of reviewing and evaluating the reasons for truancy.
- B. The parents of each child enrolled in Kindergarten through grade 12 in the School district will be notified in writing annually at the beginning of the school year of their statutory obligation to ensure that their child attends school. Parents of children enrolling during the school year will be similarly notified.
- C. When parents are notified in accordance with paragraph B above, they will be asked to provide the principal of the school in which their child is enrolled with a telephone number or some other means of contacting them during the school day.
- D. Parents will be informed by the school principal or his/her designee that it is their responsibility to contact the school office when it is necessary for their child to be absent from school. If a child is absent and no notification has been received by the parent, the school principal will designate a staff member to notify the parent of the child's absence.
- E. When the need is identified, the principal or his/her designee will coordinate services with and make referrals to community agencies providing child and family services.
- F. If the superintendent determines that further assistance is required for a truant child and his/her family, he/she may file a written complaint with the Superior Court pursuant to Connecticut general Statutes SS46b-149, alleging that the acts or omissions of the child are such that his/her family is a family with service needs. When a child has been identified as a habitual truant, a written complaint pursuant to SS46b-149 shall be filed.
- G. After the close of each school year, the Superintendent shall submit to the State Department of Education a school-by-school report on the number of students enrolled in Kindergarten through grade 12 who are habitually truant.

Legal

CGS Section 10-198A

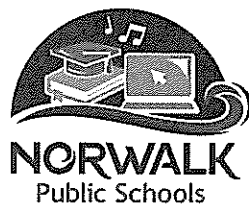
Section 4 P.A. – 303: Policies and Procedures Concerning Truants



Book	Policy Manual
Section	5000 - Students
Title	Suspension/Expulsion; Exclusion/Removal
Code	5114
Status	Retired
Adopted	October 17, 1989
Last Revised	April 24, 2012
Retired	June 14, 2022
Prior Revised Dates	01/06/2009;

#### **SUSPENSION/EXPULSION EXCLUSION/REMOVAL**

The Board of Education recognizes the rights of all students to a free expression of their ideas. The Board also recognizes the rights of all students to a sound education, free from disruption, and its staff, faculty and student body to an orderly and sound education climate within the schools. In order to effectively educate the student body, it is necessary to have rules and regulations defining appropriate conduct of students while on school grounds or at school related activities. Additionally, the Board may consider student conduct outside school boundaries when disciplining a student. The conditions for disciplinary action in the cast of student conduct which occurs outside of school must continue to satisfy the statues covering expulsion and suspension. More specifically, these include conduct that endangers person or property, violates published Board policy, or seriously disrupts the educational process. In order to enforce these rules and regulations, and to see appropriate discipline is maintained, the Board, pursuant to Connecticut State Statues 10-233b; 10-233c; 10-233d, empowers the administration, faculty and appropriate employees to, when necessary, exclude, remove, suspend and otherwise discipline students.



Book	Policy Manual
Section	5000 - Students
Title	Removal/Suspension/Expulsion Regulation
Code	5114-R
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Adopted	August 29, 1985
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## **REMOVAL/SUSPENSION/EXPULSION REGULATION**

### **I. DEFINITION**

- A. "Exclusion" is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. "Removal" is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. "Suspension" is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.
- D. "In-school suspension" is defined as an exclusion from regular classroom activity for not more than five consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- E. "Expulsion" is defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- F. "Emergency" is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G. "Days" is defined as days when school is in session.
- H. "School sponsored activity" is defined as any activity sponsored, recognized or authorized by the board of education and includes activities conducted on or off school property.
- I. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.

- J. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.
- K. "Firearm" means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- L. "Martial arts weapon" means a nunchaku, kama, kasari-(undo, octagon sai, tonfa or chinese star.

## **II. REMOVAL FROM CLASS**

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

## **C. STANDARDS GOVERNING SUSPENSION AND EXPULSION**

The following conduct shall be considered cause for suspension or expulsion:

1. Conduct causing a threat of injury to the student or others;
2. Use of physical force against another person which is not reasonably necessary for self-defense;
3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
4. Willfully causing, or attempting to cause, damage to school property;
5. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district, and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
6. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
7. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;
9. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
10. Possession or transmission of any firearm, knife, explosive, deadly weapon, martial arts weapon or other dangerous instrument or facsimile thereof;
11. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
12. Possessing or consuming tobacco products if other than a high school student, or consuming such products in an unauthorized area if a high school student;

13. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
14. Intentional and successful incitement of truancy by other students;
15. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property,
16. Bullying which includes any overt acts by a student or groups of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school sponsored activity, or on a school bus, which acts are committed more than once against any student during the school year. Bullying which occurs outside the school setting may be addressed by school officials if it has a direct and negative impact on a student's academic performance or safety in school. It can also be defined as repeated and systemic harassment and attacks on others, perpetrated by individuals or groups.
17. Violation of any other board policy or rule dealing with student conduct, including that dealing with conduct on school buses.

### **III. SUSPENSION PROCEDURE**

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to five (5) days, of any student for one or more of the reasons stated in section II I, above, in accordance with the procedure outlined in Paragraph C of this section. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section II I, above. The administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the administration shall notify the superintendent of schools within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the administration and to deny the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section VB. of this policy is first granted.
- E. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V B. of this policy is first granted.
- F. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
- G. The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled If the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school of, if the administration chooses, at the time the student completes the specified program and

any other conditions required by the administration, whichever is earlier.

#### H. Right of Appeals

1. Notwithstanding any other provision set forth in the Policies of the Norwalk Board of Education, the following rules and procedures shall govern the rights of appeal provided students who receive an in-school suspension of any duration or an out-of-school suspension that is less than six (6) school days:
  - a. The student may request an appeal to the principal, or reconsideration by the principal if the principal imposed the suspension. The principal shall schedule the hearing within one (1) school day of the request, to the extent practicable. The student shall be allowed the opportunity at the hearing to present facts to rebut the finding that he/she engaged in conduct which warranted the suspension. The principal shall render a written decision within one (1) school day of the conclusion of the hearing.
  - b. The student shall serve his/her suspension while the appeal/reconsideration is pending.
  - c. If the suspension is not sustained by the principal, the absences attributed to the suspension shall be deemed "excused" and shall not count to a loss of credit in any course and the suspension shall be expunged from the student's record.
  - d. Unless otherwise provided by state or federal law, a student receiving in-school suspension of any duration or an out-of-school suspension that is less than six (6) school days shall have no further right of appeal other than that right of appeal set forth immediately above.
2. Notwithstanding any other provision set forth in the Policies of the Norwalk Board of Education, the following rules and procedures shall govern the rights of appeal provided students who receive an out-of-school suspension that is equal to or greater than six (6) school days:
  - a. The student may request an appeal to the principal, or reconsideration by the principal if the principal imposed the suspension. The principal shall schedule the hearing within one (1) school day of the request, to the extent practicable. The student shall be allowed the opportunity at the hearing to present facts to rebut the finding that he/she engaged in conduct which warranted the suspension. The principal shall render a written decision within one (1) school day of the conclusion of the hearing.
  - b. The student shall serve his/her suspension while the appeal/reconsideration is pending.
  - c. If the suspension is not sustained by the principal, the absences attributed to the suspension shall be deemed "excused" and shall not count to a loss of credit in any course and the suspension shall be expunged from the student's record.
  - d. If the suspension is sustained by the principal, the student may seek an appeal before the Superintendent who shall conduct a hearing on the appeal; the Superintendent may designate, in advance or at the time a specific appeal is received, another Board of Education employee to serve as the Superintendent's designee or may assign the hearing to be presided over by a person who has been designated to serve as a hearing officer in expulsion or suspension hearings for the District. The hearing shall be scheduled as expeditiously as possible to the extent practicable. The student shall be allowed the opportunity at the hearing to present facts to rebut the finding that he/she engaged in conduct which warranted the suspension and may question any witnesses against him. The hearing officer shall render a written decision within one (1) school day of the conclusion of the hearing. The student shall have no further rights of appeal, except as allowed under the laws of the State of Connecticut or the federal government.
  - e. If the suspension is not sustained by the Superintendent or designee or hearing officer, the absences attributed to the suspension shall be deemed "excused" and shall not count to a loss of credit in any course and the suspension shall be expunged from the student's record.

#### IV. EXPULSION PROCEDURES

The board of education may expel any student for one or more of the reasons stated in section III if, in the superintendent's judgment, such disciplinary action is in the best interests of the school system. The procedures outlined in Paragraphs A and 8, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The board of education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the

information required under Paragraph B of this section. Three members of the board of education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the board members sitting in the expulsion hearing vote to expel provided that three affirmative votes shall be required for expulsion.

1. Expulsion proceedings pursuant to this section shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a fire arm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §§21a-277 and 21a-278. A student shall be expelled if the board of education finds that the student did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance for a period of one calendar year, provided the period of expulsion may be modified on a case-by-case basis.

B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or board chairperson, as appropriate, but shall include the right to:

1. Notice of the proposed hearing which shall include:
  - a. a statement of the time, place, and nature of the hearing;
  - b. statement of the legal authority and jurisdiction under which the hearing is to be held;
  - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
  - d. a short and plain statement of the matters asserted , if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished; and
  - e. a statement, where appropriate, that the board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VIII on Alternative Educational Opportunity);
2. The opportunity to be heard;
3. The opportunity to present witnesses and evidence;
4. The opportunity to cross-examine adverse witnesses;
5. The opportunity to be represented by counsel; and
6. Prompt notification of the decision of the board of education which decision shall be in writing if adverse to the student concerned.

C. The record of any hearing held in an expulsion case shall include the following:

1. All evidence received or considered by the board of education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
2. Questions and offers of proof, objections and rulings on such objections;
3. The decision of the board of education rendered after such hearing; and
4. The official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.

D. Rules of evidence at expulsion hearings shall include the following:

1. Any oral or documentary evidence may be received by the board of education but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  2. The board of education shall give effect to the rules of privilege recognized by law;
  3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
  5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
  6. The board of education may take notice of judicially cognizable facts in addition to facts within the board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
  7. In determining the length of an expulsion, the board of education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension or expulsion; and
  8. A record of any oral proceedings before the board of education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
  9. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
- E. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusion necessary for the decision. Findings of fact made by the board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- F. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section VIII of this policy.
- G. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.
- H. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, the notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the board of education shall complete the expulsion hearing and render a decision.
- I. The board of education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the board of education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.
- J. The board of education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the board. Any such program shall be at no expense to the student or his parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection K, below.

- K. In addition to such rights specified in Section J, above, an expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the board of education; however, the board may delegate authority for readmission decisions to the superintendent. If the board delegates such authority, readmission shall be at the discretion of the superintendent. The board or superintendent, as appropriate, may condition such readmission on specified criteria.
- L. Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a of the Connecticut General Statutes, a planning and placement team shall convene to determine whether the misconduct was caused by the child's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section VII, below, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

#### **V. NOTIFICATION TO PARENTS OR GUARDIAN**

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within twenty-four (24) hours of the time the student was excluded.

#### **VI. SPECIAL EDUCATION STUDENTS**

Students requiring special education and related services shall be subject to discipline consistent with state and federal law. (see L. above)

#### **VII. ALTERNATIVE EDUCATIONAL OPPORTUNITY**

The board of education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the board of education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. In determining the nature of the alternative educational opportunity to be offered under this section the board of education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

##### **Students**

##### **Suspension/Expulsion; Exclusion/Removal**

State statutes do not require the board to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278. If the board expels a student for the sale or distribution of such a controlled substance the board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the board expels a student for possession of a firearm or deadly weapon, the board shall report the violation to the local police department. The board shall give the name of the student and a summary of the board's action in so referring the student, to the commissioner of education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education"n who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

#### **IX. GUN FREE SCHOOLS ACT**

The board of education shall submit to the commissioner of education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921, sm. et seq.

Legal

Gun Free Schools Act of 1994, 20 U.S.C. §8921, sm. et seq.

20 U.S.C. §8921 et seq.

§§4-176e through 4-180a

§4-181a

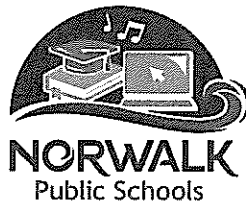
§10-76a

§§10-233a through 10-233g as amended by Public Act 07-66 , Public Act 07-122, Public Act 07-03 (June Special Session) and Public Act 08-160

§21a-240

§21a-277

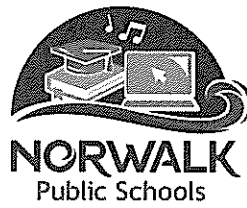
§21a-278



Book	Policy Manual
Section	5000 - Students
Title	Attendance Records; Registers
Code	5115
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

#### **ATTENDANCE RECORDS; REGISTERS**

In accordance with such specific instructions as the Superintendent may issue, principals shall have charge of the admission and classification of students. The principal shall keep such records regarding the admission, enrollment, transfer and dismissal of students as the Superintendent may direct.



Book	Policy Manual
Section	5000 - Students
Title	School attendance areas
Code	5117
Status	Retired
Adopted	August 29, 1985
Last Revised	December 1, 1998
Retired	June 14, 2022

### **SCHOOL ATTENDANCE AREA**

The Board of Education shall establish attendance zones to facilitate educational programs and to use existing facilities with optimum effectiveness. The Superintendent of schools shall recommend school attendance areas in accordance with the following criteria:

1. Safety of students;
2. Student educational needs;
3. Educational programs to be housed;
4. Optimum use of existing facilities;
5. Student residential patterns;
6. Ages of students served;
7. Racial/ethnic balance.

### **Out-of-District Transfers**

The Board of Education establishes school boundaries.

The administration of each school is responsible to ensure that students are registered in their school attendance areas. Exceptions to attend a school other than in the school attendance areas may be granted at the discretion of the superintendent of School for the reasons listed below. Included in such consideration is class size and racial balance. Exceptions are to be renewed annually.

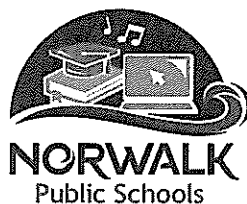
1. Physical or emotional handicap
2. Child care
3. Family removal to a new home
4. Emergency and unusual educational reasons (these decisions may be made only after consultation with, and the approval of, the Superintendent of Schools)

Parent/guardians are to provide transportation.

Granted transfers may be revoked at any time by the Superintendent of schools for just cause as defined by the administrative regulation.

Parent/guardians are expected to request out-of-district transfers well in advance of the start of the school year when such conditions allow.

Parent/guardians have the right to appeal to the Board of Education.



Book	Policy Manual
Section	5000 - Students
Title	Out-of-District Transfers Regulation
Code	5117-R
Status	Retired
Adopted	August 29, 1985
Last Revised	October 21, 2014
Retired	June 14, 2022
Prior Revised Dates	06/20/1995;

### **OUT-OF-DISTRICT TRANSFERS REGULATION**

It is the responsibility of the principal of the school to be sure that the child is in the proper school district. If not, the parent/guardian should be notified immediately and the child is transferred to the proper school district.

#### **Exceptions**

Transfer of a student from one Norwalk school to another may be granted under specified conditions at the discretion of the Superintendent. Transfer requests should be made to the Superintendent of Schools and will be considered, but not automatically granted, for one or more of the reasons below. Included in such consideration is class size and racial balance. In each instance, it is necessary for supporting evidence to be attached to the Request for Transfer. Such transfers are to be renewed annually. Parent/guardians are expected to request out-of-district transfers well in advance of the start of the school year when such conditions allow.

##### **1. Physical or Emotional Handicap**

Applications must be received by April 1. Hearings will be completed by May 15.

Supporting evidence: A physician or therapist must signify in writing the nature of the handicap and the advantage of a transfer from one school to another. Request must be supported by the results of a 504 hearing prior to the transfer being granted.

Parent/guardians are to provide transportation.

##### **2. Child Care**

Supporting evidence: If an adult, other than the parent/guardian, cares for a child immediately before or after school hours, the name of the responsible adult must be provided, and a note signed by that person that he or she will be willing to be contacted by the school in the event of an emergency. This privilege is granted to students in Grade K-8 only. Schools may verify that the person is in fact taking care of the child. Parent/guardians are required to provide transportation.

##### **3. Family Removal to a New Home within the City of Norwalk**

Supporting evidence: An attorney or realtor must signify in writing that the family is moving to a new address within 60 days of the beginning of the current school year. If the move takes place after a school year has begun, the student may remain within that school district upon approval by the principal and the Superintendent of Schools. Parent/guardians are required to

provide transportation.

#### **4. Emergency and Unusual Reasons**

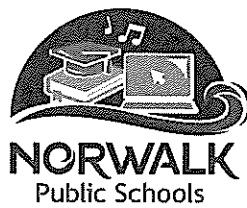
Supporting evidence: Included here would be such situations as a student who cannot receive needed programs in one school which may be offered in another, or such other specific issues as would mitigate against his/her logical progression through the school system. To avoid the possibility of this exception being misused or misinterpreted, approval must be obtained from the Superintendent of Schools prior to taking any specific action under this category.

#### **Revocation of Authorized Transfer**

Authorized transfers may be revoked at any time by the Superintendent of Schools in cases where attendance or behavior is poor, or in cases where the supporting evidence is not correct or cannot be verified or that such conditions have changed.

#### **Right of Appeal**

Parent/guardians have the right of appeal. Any administrative decision may be appealed directly to the Board of Education after consultation with the Superintendent of Schools.



Book	Policy Manual
Section	5000 - Students
Title	Intergroup Experiences
Code	5117.01
Status	Retired
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Retired	June 14, 2022

## **Students**

### **School Attendance Areas**

#### **INTERGROUP EXPERIENCES**

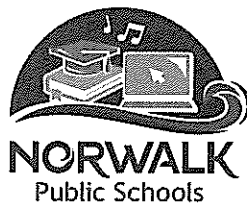
The Board of Education's objective and duty is to give every child in Norwalk the best possible education. It has followed a policy of providing equal educational opportunity without regard to the race, color or creed of any child and shall continue this policy.

Intergroup experiences are desirable in helping children learn appreciation and respect for the various groups comprising our population. Such experiences are a necessary part of the educational process, and benefit all children. Mutual respect is developed by such experiences.

The Board also believes that schools have important advantages both in providing a local social structure for children and in avoiding financial problems in providing transportation.

The Board adopts the following in order to implement the above principles:

1. The Board of Education will encourage housing authorities, real estate interests employers, and recreational and social agencies to work actively in solving housing and other urban problems of racial concentration.
2. The Board shall try to find ways that are educationally sound and economically feasible to obtain better ethnic and racial distribution. This might include changing the school assignment area. The Board would not, however, seek to have the enrollment of a school conform to a rigid pattern of racial distribution. If the school plant is obsolete, it may be desirable to convert it to non-school use, or to raze it.
3. The Board should continue to promote the maximum educational development of every student. It should recognize that some children frequently have greater need for guidance and health services and may have greater need for special instructional assistance to attain equal educational opportunities. All staff members shall assume responsibility for the establishment of a human relations atmosphere conducive to learning and for the development of interpersonal communication skills with learners.



Book	Policy Manual
Section	5000 - Students
Title	Nonresident Attendance
Code	5118
Status	Retired
Adopted	August 29, 1985
Last Revised	August 30, 2016
Retired	June 14, 2022
Prior Revised Dates	02/05/2002; 08/30/2016;

### **NONRESIDENT ATTENDANCE**

The taxpayers of Norwalk, largely with local funds, provide free education for all children who reside in the City. Norwalk Public Schools is obligated to Norwalk taxpayers to ensure that only individuals who are resident students, or who meet certain conditions as a non-resident, attend public schools in the City free of tuition charges.

#### **Definition**

A non-resident student is a student who:

1. Resides outside the school district; or
2. Resides within the school district on a temporary basis; or
3. Resides within the school district on a permanent basis but with pay to the person(s) with whom the student is living; or
4. Resides within the school district for the sole purpose of obtaining school accommodations; or is
5. A child placed by the Commissioner of Children and Youth Services or by other agencies in a private residential facility. However, under the circumstance, children may attend local schools with tuition paid by the home district unless special education considerations make attendance in local schools and programs inappropriate. Children not requiring special education who live in town as a result of placement by a public agency (other than another Board of Education and except as provided otherwise in this paragraph) are resident students; those requiring special education may attend local schools (with special education cost reimbursements in accordance with statutes) unless special education considerations make attendance in local schools and programs inappropriate.

#### **Non-resident Attendance without Tuition**

Upon written parental request, non-resident students may be allowed by the Superintendent of Schools to attend district schools without tuition under one or more of the following conditions:

1. A family moves from the district after January 1st of the school year; however, if parents so request, a child may complete the marking period regardless of when the family moves from town;
2. A family residing outside of a district has firm plans to move into the school district within the current school year by November 1, as evidenced by a contract to buy, build, rent, or lease. If residency is not established by November 1, prorated tuition for the first semester must be paid retroactive to the date of the child's entrance into the Norwalk Public Schools. The

Superintendent or his designee may extend the November 1 deadline up to January 1 if extraordinary circumstances prevent November 1 occupancy.

3. A twelfth grade student who wishes to complete his or her education in the district must seek permission from the Superintendent or his/her designee;
4. Children reside temporarily within the district because of family changes or children attending local schools residing temporarily outside the district because of family circumstances. Approval shall not exceed three (3) calendar months; if subsequent approval is necessary, it shall be considered based upon information available at that time.
5. Children who reside with relatives or non-relatives shall be entitled to all free school privileges accorded children who reside with their parents provided:
  - a. the relatives or non-relatives and the children or their parents or guardians intend the residence to be permanent;
  - b. the residence is provided without pay;
  - c. the residence is not for the sole purpose of obtaining school accommodations;
  - d. the Norwalk resident in whose house the child will be living assumes the financial and legal responsibility for the student during the permanent residency;
  - e. the Norwalk resident in whose house the child is living and the parent/guardian present the Superintendent or his/her designees with a notarized statement attesting the above conditions are met;
  - f. the children meet all other requirements for admission.
6. A student will be eligible to attend school in the district if either parent resides there, regardless of custody. Legal custody is not required for a student to be eligible for school accommodations. Spending some nights with the other parent in a different district will not change the residency of the student.
7. Should a student be removed from the home by DCF and placed in a temporary shelter and DCF determines that the child should remain in the school of origin and such attendance requires transportation from the child's placement, DCF and the school of origin are required to cooperate on a transportation plan.
8. Students determined eligible by the district under the McKinney Vento Act may attend school in the district and in some cases require transportation.

### **Exchange Students**

No tuition is required for foreign students living within the district under the American Field Service Program or under other programs or circumstances approved by the Board. Exchange students will be accorded all the rights and privileges of a resident student during the period of enrollment.

### **Non-resident Attendance with Tuition**

Non-resident students who do not meet one or more criteria under previous sections of this policy, may attend local schools only with tuition payment. The Superintendent or his/her designee may approve a non-resident student's attendance with tuition if class size, transportation, and other considerations permit, and shall notify the Board of Education of all tuition approvals. Non-resident approval with tuition shall be for one (1) school year or less. Tuition rates shall be established by the Board annually.

Attendance by a non-resident tuition student may be terminated by Board of Education action, upon recommendation of the Superintendent of Schools, if the Board deems such termination in the best interest of the school district. An adjustment of tuition on a per diem basis will be made in this instance.

### **Evidence of Residency**

The Superintendent of Schools or his/her designee will require documentation of family and/or student residency, including affidavits, provided that prior to a request for evidence of residency the parent or guardian, relative or non-relative, emancipated minor, or student eighteen (18) years of age or older shall be provided with a written statement of why there is reason to believe such student's may not be entitled to attend school in the district. Accepted documentation are as follows:

#### **New Student Residency**

- a. For homeowners: a property tax bill, mortgage statement, or ownership deed OR a lease for rental property signed by the Landlord.

- b. Two current utility bills, both originals; i.e. cablevision, water, electric, gas or oil. All documents must be in the same name and to the same address.
- c. Photo identification; driver's license, passport, or Connecticut issued identification card.

If A and B are not available, then D and E must be provided

- d. Notarized affidavit of parent/guardian
- e. Notarized property owner/landlord affidavit

#### **Sponsor Residency – Complete items A – D**

- a. Notarized affidavit of parent/guardian AND notarized sponsor affidavit.
- b. FROM THE SPONSOR: homeowners - a property tax bill, mortgage statement or ownership OR lease of rental properties – current lease/rental agreement signed by the landlord with landlord's contact phone number listing the sponsored student as residing in the property. If you have no formal lease, complete the notarized property/landlord affidavit.
- c. FROM THE SPONSOR: two current utility bills: cable, water, electric, gas or oil.
- d. Photo identification: driver's license, passport, or Connecticut issued identification card from the sponsor or parent.

#### **Who is Required to Register**

ALL Norwalk Public School based preschool programs, ALL Kindergarten students and any new to Norwalk Public Schools. Parents who move within Norwalk during the year must also resubmit proof of residency.

If notarized affidavit is required, it must be stamped at the Operations Office of the Board of Education verifying residency. At that time the homeschool will be able to register the student provided all other necessary documents accompany the affidavit to the school, i.e. original birth certificate or passport, registration form and emergency card.

#### **Removal of Non-resident Student from District Schools**

School accommodations shall not be provided for any child whose legal residence is in another district or state except by special agreement in accordance with Connecticut General Statutes, Section 10-253.

Therefore, if after thorough review of affidavits and other available evidence, the Superintendent of Schools or his/her designee believes a student is not entitled to attend Norwalk Public Schools, the parent or guardian shall be informed in writing that, as of a particular date, the student may no longer attend local schools. A student who is either an emancipated minor or a student eighteen (18) years of age or older will also be informed. The Superintendent or his/her designee shall notify the Board of Education (if known) where the child should attend school. If after review district residency is established by the evidence, the parent or guardian; the student, if an emancipated minor, or a student eighteen (18) years or older, shall be so informed.

If a teacher or administrator believes a student may not live in the district during the year the procedure is as follows:

- a. A school level inquiry by building administrator with assistance from guidance or social worker.
- b. Principal contacts central office and further investigation is conducted.
- c. A private investigator may be contacted to verify residency.

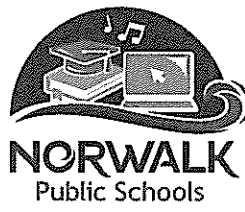
If on the basis of the findings of the private investigator the student is found not to reside in Norwalk, the parents will be given the opportunity to pay tuition past and future or be dis-enrolled. If a student is removed from the district school for residency reasons, the superintendent of schools or his/her designee shall:

1. Inform the parent, guardian, emancipated minor, or student eighteen (18) years of age or older of hearing rights before the Board of Education and that the student(s) may continue in local schools pending a hearing if requested in writing by the parent, guardian, emancipated minor or student eighteen (18) years of age or older.
2. That upon request, a transcript of the hearing will be provided;
3. That a local Board of Education decision may be appealed to the State Board and that a student may continue in local schools pending a hearing before the State Board if requested in writing by the parent, guardian, emancipated minor or student eighteen (18) years of age or older;
4. That if the appeal to the State Board of Education is lost, a per diem tuition will be assessed for each day a student attended local schools when not eligible to attend.

## Board of Education Hearing

Upon written request, the Board of Education shall provide a hearing within ten (10) days after receipt. The Board shall make a record or tape recording of the hearing; shall make a decision on student eligibility to attend local schools within ten (10) days after the hearing; and shall notify the parent, guardian, emancipated minor or student eighteen (18) years of age or older of its findings. Hearings shall be conducted in accordance with the provisions of Sections 4-177 to 4-180 inclusive of Connecticut General Statutes. The Board shall, within ten (10) days after receipt of notice of an appeal, forward the hearing record to the State Board of Education.

Legal                      4-176e through 4-185 Uniform Administrative Procedure Act.  
10-186 Duties of local and regional Boards of Education regarding school attendance.  
Hearings; Appeals to State Board; Establishment of Hearing Board.  
10-253 School privileges for students in certain placements and temporary shelters.



Book	Policy Manual
Section	5000 - Students
Title	Homeless Students
Code	5118.01
Status	Retired
Adopted	September 2, 2003
Last Revised	May 15, 2018
Retired	June 14, 2022

### **HOMELESS STUDENTS**

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

#### **Optional Language:**

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

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

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

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

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

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

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

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

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

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

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

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

directory information.

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

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

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

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

#### Legal

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

17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order.

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.

46b-120 Definitions.

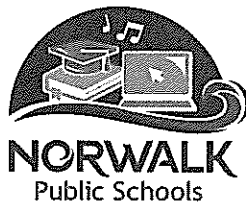
PA 17-194 An Act Concerning Access to Student Records for Certain Unaccompanied Youths

McKinney-Vento Homeless Assistance Act, (PL 107-110-Sec 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95.

Federal Register: McKinney-Vento Education for Homeless Children and Youths Program, Vol. 81, No. 52, 3/17/2016.

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

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. Implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011.



Book	Policy Manual
Section	5000 - Students
Title	Services Regulation
Code	5118.01-R
Status	Retired
Adopted	September 2, 2003
Retired	June 14, 2022

### **SERVICES REGULATION**

Each homeless student shall be provided services comparable to services offered to other students, including the following:

1. Transportation services;
2. Education services for which the student is eligible, such as:
  - a. Title I services<sup>1</sup>;
  - b. Special education;
  - c. Programs for students with limited English proficiency;
  - d. Professional technical programs;
  - e. Talented and gifted programs.
3. School nutrition programs.

#### **Coordination**

The administration shall coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

#### **District Liaison**

The district's liaison shall ensure that:

1. Homeless students are identified;
2. Homeless students enroll in and have a full and equal opportunity to succeed in district schools;
3. Homeless families and students receive educational services for which they are eligible, and referrals to health-care services, dental services, mental health service and other appropriate services;
4. Parents of homeless students are informed of the educational and related opportunities available to students and are provided with meaningful opportunities to participate in the education of their children;
5. Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., school, family shelters and soup kitchens);

6. Enrollment disputes are mediated;

7. The parent of a homeless student, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected;

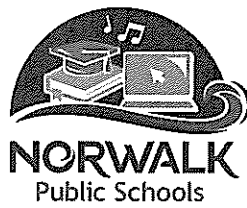
8. School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

The district's liaison shall coordinate and collaborate with the state coordinator, and with community and school personnel responsible for the provision of education and related services to homeless students.

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1 All homeless students are automatically eligible for Title I services, regardless of their current academic performance.

Legal                      No Child Left Behind Act of 2001 42 U.S. C. Section 11431, et seq (as amended)  
C.G.S. Section 10-253



Book	Policy Manual
Section	5000 - Students
Title	Elementary Progress Reports (K-5)
Code	5121
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

## **GRADING**

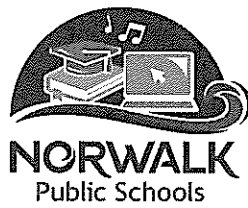
### **ELEMENTARY PROGRESS REPORTS (K-5)**

#### **Grading Policy for all students in Grades Kindergarten through Five**

The elementary grading system is based on a standards-based rubric that is closely aligned to the Connecticut State Standards and the NPS curriculum expectations. A standards-based curriculum defines a cumulative body of knowledge and set of competencies that is the basis for each grade level's educational goals; the standards express what all students at each grade level should know and be able to do.

Parents receive an Elementary Progress Report that uses this grading system at the end of each marking period. It is recommended that the grading system be reviewed with parents at the Open School meetings at the start of the school year.

Teachers will use the Academic and Effort Rubrics as the means of assessment of progress on the Elementary Progress Report.

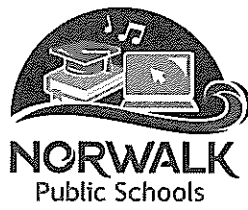


Book	Policy Manual
Section	5000 - Students
Title	Elementary Progress Reports (K-5) Regulation
Code	5121-R
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

## **GRADING**

### **ELEMENTARY PROGRESS REPORTS (K-5) REGULATION**

Parents receive an Elementary Progress Report at the end of each marking period. The marking periods for Kindergarten are March and June; the marking periods for Grades 1-5 are November, March, and June.



Book	Policy Manual
Section	5000 - Students
Title	Assignment to Teachers and Classes
Code	5122
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

### **ASSIGNMENT TO TEACHERS AND CLASSES**

#### **Group Assignments**

The students will be assigned in accordance with regulations established by the administration consistent with sound educational practice.



Book	Policy Manual
Section	5000 - Students
Title	Assignment to Teachers and Classes Regulation
Code	5122-R
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

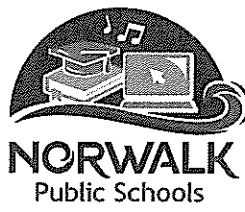
#### **ASSIGNMENT TO TEACHERS AND CLASSES REGULATION**

Students will ordinarily continue in a class with other children of their own chronological age. The principal of each school has the responsibility and authority to place students in that group in which they can best progress.

Instructional groups shall include pupils with some diversity of aptitude and achievement.

The case of the physically and mentally handicapped shall be observed in accordance with the requirements of state law.

Legal	10-186 Duties of local and regional boards of education Re: school attendance. Hearings. Appeals to state board Establishment of hearing board
	10-220 Duties of boards of education
	10-76d Duties and powers of boards of education to provide special education programs and services. State agency placement; apportionment of costs. Relationship of insurance to special education costs

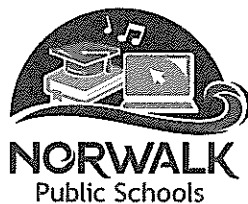


Book	Policy Manual
Section	5000 - Students
Title	Promotion and Retention
Code	5123
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

### **PROMOTION AND RETENTION**

(See Policy 5123.1 for Elementary, 5123.2 for Middle School, and 5123.3 for High School)

Cross References	<a href="#"><u>5123.01 - Promotion/Retention/Acceleration Requirements</u></a>
	<a href="#"><u>5123.02 - Promotion/Retention/Acceleration Requirements</u></a>



Book	Policy Manual
Section	5000 - Students
Title	Promotion/Retention/Acceleration Requirements
Code	5123.01
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

## **PROMOTION/RETENTION/ACCELERATION REQUIREMENTS**

### **Elementary (K-5)**

Decisions regarding promotion, retention or change of grade placement including acceleration will be made on an individual student basis.

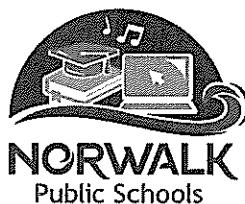
The Central Office and Building administration and teaching staff of the school to which the student is assigned shall create a plan of instruction to provide an appropriate opportunity for each student to progress through elementary school in accordance with his/her own needs and abilities and in accordance with applicable statutory requirements and state department of education guidelines.

A determination of student deviation from normal annual academic progress will be based on evaluations by classroom teachers, administrators, special services personnel, reading specialists or other staff as appropriate, and discussions with parents/guardians.

The final decision as to promotion, retention or change of placement including acceleration resides with the principal after consultation with the staff.

In all cases of possible retention or acceleration, parents/guardians must be informed of such a possibility in advance, but no later than the end of the second marking period (March).

Legal	10-221 Boards of Education to prescribe rules (Subsection b- re: promotion/retention policy)
	10-265f
	10-265g



Book	Policy Manual
Section	5000 - Students
Title	Promotion Requirement Regulation
Code	5123.01-R
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

## **PROMOTION REQUIREMENT REGULATION**

### **Elementary (K-5)**

Decisions regarding retention and promotion requirements are based on legislative requirements that took effect on July 1, 2006(1).

- a. Each child must be considered on an individual basis. In addition to a student's academic achievement, other factors must be considered.
- b. Home and staff involvement in the decision to promote or retain is critically important. The Student Response Team procedure should be followed if retention is under consideration.
- c. The child's record of attendance and tardiness must be reviewed. However, a child may not be retained solely on the basis of attendance and/or tardiness. The impact of absences and/or tardiness must be viewed in relation to academic expectations for the next grade.
- d. The child's levels of physical maturity, emotional maturity, social skills, current language capability and intellectual capacity, pertinent achievement/other test/assessment data where appropriate as well as then chronological age of the child, participation and performance in remedial instruction and previous retention are all factors that should be considered in promotion/retention decisions.
- e. The home school must evaluate students in Grades K-3 in January and May using the Developmental Reading Assessment (D.R.A.). For each student who is determined to be substantially deficient in reading on the D.R.A. based on the January or May assessment, the school must notify the student's parent or guardian of the D.R.A. results (see also the Elementary Progress Report) and must develop Individualized Student Plan (ISP) in reading that is shared with the parent and reviewed/revised regularly by the SRT. The ISP shall include additional instruction, within available appropriations, such as tutoring, an after-school program, school vacation, weekend program or summer program(1).
- f. Each evaluation or statewide examination will be discussed with the parents by the appropriate teacher and the teacher will give the parent or guardian recommendations for strategies that can be used at home (1).
- g. Retention shall not occur unless all available instructional interventions, especially remedial instruction, have been exhausted. The principal must require the student to participate in a program of remedial services that is designed to assist the student in remedying such deficiencies. If the child is retained, the program developed for the retained child must be substantively different from the previous year (1).
- h. Promotion of students with ISPs in Grades K-3 shall be based on progress in achieving the goals of the ISP or demonstrated reading proficiency and shall be documented by the principal. If a decision is made to promote a student who is substantially deficient in reading, the Principal shall provide written justification for such a promotion to the Superintendent of Schools or designee (1).

- i. Promotion of students in Grades 1-3, inclusive, who are determined to be substantially below proficiency in reading based on the May administration of the D.R.A., is based on the mandatory requirement to attend summer school. The Superintendent or designee may exempt a student from such requirement, upon the recommendation of the Principal, based on the student's documented progress with the remedial instruction. Documentation will include the students' Individual Student Plan (ISP) (1).
  - j. If a student does not receive such an exemption and has been offered the opportunity to attend summer school and fails to attend, the student must not be promoted to the next grade. The School District shall collect from each school the number of students who are substantially below proficiency in reading and are promoted from Grades 1-3 to the next grade and provide such information to the Connecticut State department of Education who will prepare and publish a report with this information annually(1).
  - k. An Individual Student Plan (ISP) that incorporates the competencies required for early reading success and effective reading instruction shall be maintained for a student who is substantially below proficiency until the student achieves a satisfactory level of reading proficiency, as determined by a reading evaluation or statewide examination. In addition to preparing an ISP for grades K-3, inclusive, the school must develop and implement ISPs for students in grades 3-5 who scored at below basic on the Grades 3-5 Connecticut Master Test (CMT) unless the Principal determines that such additional instruction is not necessary based on the recommendation of the teacher.
  - l. The district may require summer school attendance for Grades 4-5 for students who fail to make progress with the additional instruction provided in the ISPs. Should there be such a requirement, the Superintendent of Schools or designee may exempt a student from such requirement, upon the recommendation of the Principal, based on the student's documented progress with the remedial instruction program. Documentation will include the student's Individual Student Plan (ISP).
  - m. The district must offer a summer reading program to children enrolled in Kindergarten who are determined by their teachers to need additional reading and reading readiness instruction(1).
- (1) This is a requirement under Connecticut General Statutes, Section 10-265f and 10-265g.
- n. Retention in a grade is only indicated where specialized learning programs, supportive services and other interventions such as summer school are judged by the Principal to be inappropriate to support the student at the next grade level or where retention is judged to be in the best educational interest of the child. The exception to this is in (j) above. If the child is retained, the program developed for the retained child must be substantively different from the previous year.

The final decision as to retention resides with the principal when the educational interventions program has been completed, and after communication with the parents (and child if appropriate) and after consultation with the staff who have worked with the child. A copy of the decision will be sent to the Director of Elementary education.

## **RETENTION REGULATIONS**

### **Elementary (K-5)**

The following uniform regulations and procedures will be followed concerning the retention of a student: The school must consider and follow the requirements under Connecticut General Statutes, Section 10-265f and 10-265g regarding mandatory retention of substantially below reading proficiency students in grades Kindergarten through Three.

- a. The school of the child for whom the possibility of retention is sought will make the request known in writing to the parent of the child, preferably by the end of January, but no later than the March Parent-Teacher conference.
- b. Prior to the school-based decision to consider retention for a child, the school will arrange an SRT conference that will include the parent(s)/guardian(s), parent advocate if requested, teacher(s) involved, and the principal. The purpose of the conference is to discuss rationale for the consideration of possible retention through the review of pertinent data (ISP progress, anecdotal, Progress Reports, formative and summative assessments, etc.)
- c. The parent must be informed at the conference about the interventions the school has been using to address the educational needs of the child as developed in the ISP.
- d. At the end of the second marking period (March), the principal will reconvene the original members of the initial conference to review the child's progress as it impacts the decision to retain or not. Should the possibility of retention be sustained, all present will be notified in writing of the change of placement; a copy of the change of placement will also be sent to the Director of Elementary Education. The school may opt to have a SRT later than the end of the second marking period but before the end of the school year.
- e. The final decision as to the retention resides with the principal when the educational interventions program has been completed, and after communication with the parents (and child if appropriate) and after consultation with the staff who have worked with the child. The decision must be made no later than June 1st.

- f. If a child is retained, a copy of the decision will be sent to the Director of Elementary Education.

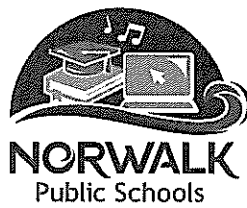
## **ACCELERATION TO ANOTHER GRADE**

### **Elementary (K-5)**

The parent(s) of the child for whom acceleration is being sought will make the request in writing and forward the request to the Director of Elementary Education. This request should be made in writing by June 1 for a September placement and must include the reasons(s) the parent wishes to be considered in the decision to accelerate a child to another grade. Acceleration is limited to one grade above the student's upcoming grade placement.

The following uniform regulations and procedures will be followed concerning acceleration to another grade:

- a. The Director of Elementary Education will inform the home school of the request with a copy to the Principal.
- b. The Principal will contact the parent.
- c. Prior to the school-based assessment of the child, the school will arrange a Student Response Team conference that must include the parent(s)/guardian(s), parent advocate if requested, and a teacher from the grade to which acceleration is sought, and the Principal. The purpose of the conference is to discuss the efficacy of the request through the review of pertinent data (See description of data above.)
- d. The home school will arrange to assess the child using system approved assessment instruments within a reasonable period of time but no more than six weeks and/or before the end of the term prior to the first term of admission. The school will obtain written permission of the parents for the administration of these assessments.
- e. The assessment may include a speech and language assessment and other assessments (e.g., math, reading) as determined by the Principal in consultation with staff. The speech/language pathologist will provide the Principal and parents with a copy of the results of the speech and language assessment; a copy of any other assessment will also be made available to the Principal and the parents.
- f. Where possible, every effort should be made to observe a child in the classroom setting. It is recommended that the child be observed, if at all possible, by a teacher from the grade to which acceleration is sought. A report of the observation is recommended as part of the SRT decision-making process.
- g. The Principal or designee will review the curriculum goals of the grade to which acceleration is sought with the parents while the child is being evaluated. The parents may also be requested to provide additional social and academic information.
- h. If the SRT recommends acceleration and the Principal concurs, a copy of the decision will be sent to the Director Elementary Education.
- i. Once the SRT recommends acceleration and the Principal concurs, the student is to be enrolled in that grade for a start at the beginning of the school year.
- j. In the event that the child met all of the qualifications above, the child must be admitted to the grade to which is sought event when enrollment in that grade exceeds contractual limits.



Book	Policy Manual
Section	5000 - Students
Title	Promotion/Retention/Acceleration Requirements
Code	5123.02
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

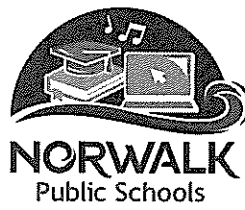
### **PROMOTION/RETENTION/ACCELERATION REQUIREMENTS**

#### **Middle School (Grades 6-8)**

Ordinarily, to be promoted to the next grade, a student in grades 6, 7, and 8 must pass Language Arts, Social Studies, Mathematics, and Science, demonstrate satisfactory achievement in the related art areas and demonstrate satisfactory effort in their minor subjects. Each child must be considered on an individual basis.

If a student fails Language Arts, Social Studies, Mathematics or Science, such student will be required to attend summer school and obtain a passing grade to be promoted.

A student enrolled in sixth grade who has not met the statewide standard for remedial assistance on the sixth grade mastery examination shall be provided with remedial instruction and shall be required to attend summer school. Remedial instruction will be provided until the student has achieved the statewide standard for remedial assistance. If a student is required to attend summer school and fails to attend, he/she shall not be promoted to Grade 7.



Book	Policy Manual
Section	5000 - Students
Title	Promotion/Retention/Acceleration Requirements
Code	5123.03
Status	Retired
Adopted	September 18, 2007
Retired	June 14, 2022

### **PROMOTION/RETENTION/ACCELERATION REQUIREMENTS**

#### **Senior High School (Grades 9-12)**

Promotion is based primarily on the cumulative number of credits earned in subjects in which the student has obtained the minimum passing mark. Although the concept of grade promotion is used, it is limited chiefly to homeroom organization and activities.

The yearly minimum number of credits necessary for grade promotion is as follows:

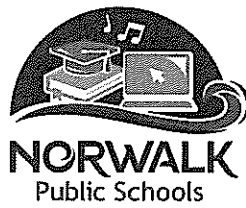
#### **GRADE DESIGNATION**

Freshman to sophomore 5  
(9th Grade to 10th Grade)

Sophomore to Junior 10  
(10th Grade to 11th Grade)

Junior to Senior 15  
(11th Grade to 12th Grade)

A student who has not acquired the requisite number of credits to be promoted to the next grade may be offered the opportunity for remedial instruction in order to transition to the next grade.



Book	Policy Manual
Section	5000 - Students
Title	Summer Academy
Code	5123.11
Status	Retired
Adopted	May 21, 2019
Retired	June 14, 2022

## **Instruction**

### **SUMMER ACADEMY**

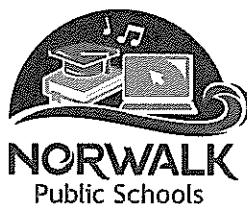
Section 10-265m of the Connecticut General Statutes establishes grants for summer school programs in Priority School Districts. Connecticut legislation requires that funds are to be used for summer school for students in grades K-3 who are substantially deficient in reading in order to provide instruction that incorporates the competencies for early reading success and effective reading. In addition NPS may also consider intervention in math.

Although not prescribed by law, the Norwalk Public Schools has a vested interest in expanding Summer Academy beyond the lower elementary grades of (K-3) and into upper elementary grades (4, 5) and middle grade 6. A determination to expand Summer Academy beyond (K-3) will be made annually and presented by the Chief Academic Officer to the Curriculum and Instruction Committee of the Board of Education.

The Norwalk Public Schools believes in designing and expanding enriching summer learning experiences through its Summer Academy for students who are "high-needs" Special Education and/or English Language Learners or are non-high needs students achieving significantly below grade level in reading. Undoing summer learning loss by way of a robust Summer Academy program is an essential component of the District's Strategic Operating Plan which seeks to reduce and close student achievement gaps.

The Superintendent, Chief Academic Officer and Chief of School Operations shall annually determine a summer academy model which seeks to inhibit summer learning regression by offering intensive learning support. Such a model must determine grade levels to be serviced, if any, beyond grades mandated by state statute for Priority School Districts, establish student cut score achievement levels requiring summer academy attendance based upon end-of-year (EOY) student achievement results, determine number of weeks of programming and length of day, curriculum and staffing, transportation, facility locations and communication with parents. The model shall be presented to and approved annually by the Curriculum and Instruction Committee.

Intensive learning support refers to interventions that incorporate something more or something different from the core curriculum. Indeed, the Summer Academy learning experience is designed to engage and inspire learners through student-centered practice and pedagogy rather than through punitive, "drill" oriented instruction. Every effort will be made by NPS staff to design and implement student-centered summer classrooms that are dynamic, engaging, hands-on, and skills-based.



Book	Policy Manual
Section	5000 - Students
Title	Student Records: Confidentiality
Code	5125
Status	Retired
Adopted	June 16, 1987
Last Revised	October 20, 2015
Retired	June 14, 2022
Prior Revised Dates	06/20/1995; 08/19/2008;

### **STUDENT RECORDS: CONFIDENTIALITY**

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

Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance, and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

The school system administration shall adopt regulations providing for the following:

1. Informing parent/guardians of their rights annually.
2. Permitting parent/guardians to inspect and review educational records, including at least a statement of the procedure to be followed by a parent/guardian or an eligible student who requests to inspect and review the educational records; with an understanding that it may not deny access to educational records; a description of the circumstances in which the school system feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent/guardian, except as otherwise permitted by administrative regulations, including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as Directory Information.
  - a. "Directory Information" means information that would not generally be considered harmful or an invasion of privacy if disclosed. The following information is hereby designated as Directory Information and may be disclosed without the prior consent of a parent or eligible student:
    - Parent or guardian's name and email address
    - The student's photograph/yearbook
    - The student's dates of enrollment
    - The student's grade level
    - The student's participation in officially recognized activities and sports
    - The student's weight and height as a member of an athletic team

- Degrees, honors and awards received by the student
- Alumni parent or student addresses

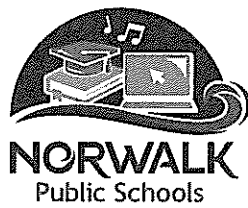
A parent or eligible student may refuse to allow Norwalk school officials to designate any or all of the above listed types of information as directory information. Any such refusal must be made in writing to and must be received by the principal within 30 days of the annual notification.

4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent/guardian to inspect that record.
5. Providing a parent/guardian with an opportunity to seek the correction of the student's education records through a request to amend the records or a hearing, and permitting the parent/guardian or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within forty-five (45) days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions that their prior consent is not required to disclose information.
10. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request.

#### Legal

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

Connecticut General Statutes, 7-109; 10-15b; 10-209; 10-221b; and 46b-56 Regulations of the U.S. Department of Education concerning Privacy Rights of Parents and Students, published at 34 C.F.R. 99.

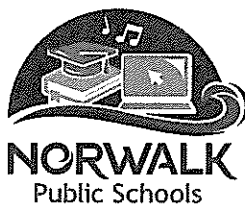


Book	Policy Manual
Section	5000 - Students
Title	School Pictures
Code	5125.02
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

#### **Photographing of Students**

##### **SCHOOL PICTURE**

The Board of Education recognizes that the schools and students derive value from pictures being taken of students at periodic intervals. The procedures for taking pictures, the collection of money for same, and all other conditions for the implementation of this policy shall be in accordance with administrative regulations established by the Superintendent of Schools.



Book	Policy Manual
Section	5000 - Students
Title	School Pictures Regulation
Code	5125.02-R
Status	Retired
Adopted	August 29, 1984
Last Revised	June 20, 1995
Retired	June 14, 2022

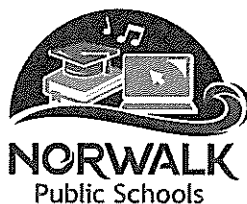
### **Photographing of Students**

#### **SCHOOL PICTURES REGULATION**

Pictures may be taken to be used as part of the student's permanent record. When proofs are sent home the price is to be made known to the parent with a statement that there is no obligation on the part of the parent to purchase. It will also be permissible for individual and group pictures to be taken of students at periodic intervals.

If these pictures are taken, the project may be under the direction of the Parent-Teacher Group, with the Parent-Teacher Group assuming the responsibility for the collection and accounting of funds. No pressure is to be applied to any student to purchase pictures.

The taking of pictures in secondary schools for yearbooks, graduation, etc. are permissible under the direction of the principal or his/her designee. Photographs used for such purposes are not to be released b6t schools to the media.



Book	Policy Manual
Section	5000 - Students
Title	Health/Medical Records
Code	5125.11
Status	Retired
Adopted	August 21, 2018
Retired	June 14, 2022

### **HEALTH/MEDICAL RECORDS**

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

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

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

## Legal

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

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

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

10-209 Records not to be public

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

Connecticut Public Records Administration S c h e d u l e V - Disposition of Education Records (Revised 1983).

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

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records,as amended 11121196.

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

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

65 Fed. Reg. 50312-50372

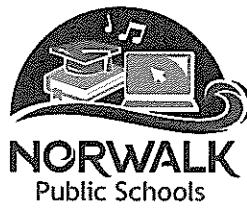
65 Fed. Reg. 92462-82829

63 Fed. Reg. 43242-43280

67 Fed. Reg. 53182-53273

## Cross References

5125 - Student Records: Confidentiality



Book	Policy Manual
Section	5000 - Students
Title	Student Privacy
Code	5125.12
Status	Retired
Adopted	September 2, 2003
Retired	June 14, 2022

## **STUDENT PRIVACY**

The Norwalk Board of Education is committed to protecting student privacy in the administration of protected surveys and the collection, disclosure, or use of personal student information for marketing, sales or other distribution purposes, and certain physical examinations.

No student shall be required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED): political affiliations or beliefs of the student or student's parent; mental or psychological problems of the student or student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of others with whom respondents have close family relationships; legally recognized privileged relationships, such as with lawyers, doctors, or ministers; religious practices, affiliations, or beliefs of the student or parents; or income, other than as required by law to determine program eligibility.

Parents, guardians and students over the age of 18, may opt their child out of 1) any other protected information survey, regardless of funding; 2) any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and 3) activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents shall be allowed to inspect, upon request and before administration or use: protected information surveys of students; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum.

The Administration shall notify parents, guardians and students over the age of 18, annually of these rights, and will also provide notification of the approximate dates of the following activities and provide an opportunity to opt a student out of participating in: collection, disclosure, or use of personal information for marketing, sales or other distribution; administration of any protected information survey not funded in whole or in part by ED; any non-emergency, invasive physical examination or screening as described above.

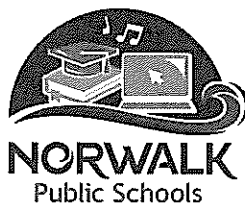
Any parent, guardian, or eligible students who believe his/her rights have been violated may file a complaint with:

Human Relations Officer (HRO) Norwalk Board of Education  
125 East Avenue, Norwalk, CT 06852

Or

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





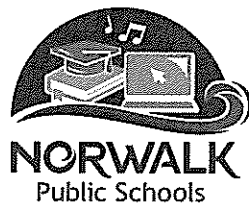
Book	Policy Manual
Section	5000 - Students
Title	Awards for Achievement
Code	5126
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

#### **AWARDS FOR ACHIEVEMENT**

The Board of Education encourages the professional staff to maintain a set up of criteria and procedures for presenting letters or other suitable awards to students for scholarship and distinguished service in any school activity. In all cases, the relationship between the award and the relevant goal or goals of the schools should be pointed out.

The professional staff is authorized to review and approve, or reject, proposed trophies, prizes, scholarships or other awards from non-school donors. To be acceptable they must meet the following criteria:

1. Considered free of motives of personal or corporate gain and publicity.
2. The criteria for the award must be under the control of the professional staff, or acceptable to the staff.
3. The purposes, either implied or explicit, be consistent with the Norwalk Public School Goals and Objectives.



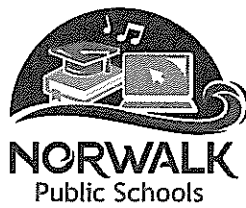
Book	Policy Manual
Section	5000 - Students
Title	Student Conduct
Code	5131
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

### **STUDENT CONDUCT**

Students are expected to conduct themselves properly and appropriately. Every student is expected to attend school punctually and regularly; to conform to the regulations of the school and to obey promptly all the directions of the teacher; to be diligent in study; to be respectful to teachers and kind and obliging to schoolmates. Every student must refrain from the use of profane and vulgar language and be neat and clean in person and clothing. Students shall conduct themselves properly, not only in school, but during transportation to and from all school sponsored activities.

Detention or other punishment of a student for purposes of discipline shall be in accordance with the regulations.

Legal	10-221 Boards of education to prescribe rules 10-233e Notice as to disciplinary policies and actions
Cross References	<u>5114 - Suspension/Expulsion; Exclusion/Removal</u> <u>5144 - Use of Reasonable Physical Force/Restraints</u>



Book	Policy Manual
Section	5000 - Students
Title	Bus Conduct Regulation
Code	5131.01-R
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

## **BUS CONDUCT REGULATION**

The following rules and regulations are applicable to all students who are passengers on Norwalk school buses. These rules are in accordance with the existing laws or policies established after analysis of accident causes and are for the protection and safety of all concerned.

Violation of these rules will be a basis for withdrawal of bus passes and or suspension from school by the school principal.

### **1. Schedules**

- a. Students must be on time (this is defined as 15 minutes prior to the scheduled time) at the proper bus stop. The bus must keep an exact schedule to ensure others are not waiting an excessive time.
- b. Students must board and depart school buses at authorized bus stops only. Bus stops are chosen to minimize hazardous conditions.
- c. Students may identify their bus by the number visible within the first or second window behind the door on the bus. Drivers and buses are switched to allow for maintenance and the bus number remains the same.

### **2. Loading**

- a. Students must observe traffic rules when approaching the bus stop.
- b. Students should not stand in the roadway while waiting for the bus or destroy surrounding property at the bus stop.
- c. Passengers are to avoid crowding or pushing when entering the bus and be seated promptly.
- d. All middle and high school student passengers must show an authorized bus pass to the driver when entering the bus. Elementary students are excluded.

### **3. Riding**

- a. The following are considered to be extremely distractive to the driver and prevents the driver from concentrating on safe driving. Passengers on school buses will not
  1. engage in any loud talking or laughter, thus creating confusion.
  2. change seats and move about after they have been seated.
  3. ask repeated questions of the driver while he/she is driving.
  4. throw objects at the driver and/or passengers or out of window.

5. play pranks with firecrackers, smoke bombs, or anything else.

- b. The following are considered to be extremely dangerous to passengers on the school bus and could cause personal injury. Passengers on school buses will not
1. open bus windows and allow arms, legs, heads or anything else to protrude outside the bus.
  2. throw or propel missiles within the bus such as paper clips or any objects which could distract or injure others.
  3. discard refuse which could cause passengers to slip or trip on, in the bus.
  4. throw any object out of the bus which could cause damage to property, vehicles or, distract or injure someone.
  5. ignite matches and/or flame producing devices which could result in a fire in the bus or an explosion or gasoline.
  6. smoke, or have a lighted cigarette, cigar or pipe in his or her possession. Section 53-198 of the Connecticut Motor Vehicle Laws suggests a maximum of \$25.00 fine for violation of this statute.
  7. engage in eating while on the bus. In addition to creating a sanitation problem, the accumulation of food refuse creates a hazard to safe walking along aisles and possible slipping.
  8. obstruct bus aisles with large packages, object or instruments which could interfere with an emergency evacuation. Musical instruments will be allowed on school buses only if they can be placed on the owner's lap or a bus seat without depriving an eligible rider of a seat.
  9. destroy property of the bus company. Damage caused by vandalism will be charged against those who cause the damage. Knives or similar instruments and weapons will not be carried by passengers on school buses,
  10. display or carry any dangerous instruments such as knives, razors or an item the driver decides is prejudice to safety on the bus. (cf. 5131.7 – Weapons and Dangerous Instruments)

#### **4. Exiting**

- a. Student passengers must obey driver instructions during emergency evacuations.
- b. Students who need to cross to the opposite side of the street from the bus stop must cross at least ten feet in front of the bus in view of the driver.
- c. Students must not walk between parked school buses at any time.
- d. Students will not use the rear emergency exit unless an emergency condition exists. Students will leave by the front door.

A copy of the rules and regulations stated above will be furnished by the school to each student entitled to bus transportation at the beginning of each school year.

- a. Only those secondary students issued a current school bus pass will be transported to and from school on a regular basis. Replacement of passes lost or destroyed will be issued at a replacement charge of \$1.00.
- b. Failure to produce the bus pass, upon request of the bus driver, may result in disciplinary action.
- c. Bus passes are subject to inspection at any time by the bus driver, the principal and coordinator of transportation.
- d. A temporary courtesy bus pass will be issued by the school to parents who apply for an unassigned bus seat, after it has been determined by the school principal that such seats exist after all eligible riders have been accommodated. Application to the school principal is to be made annually on a first come, first served basis. Temporary courtesy passes may be revoked during the school year by last date of issuance or if it is determined that not enough seats are available for eligible riders due to change in stop or route or new enrollees.
- e. Bus passes are not issued to eligible riders enrolled in elementary schools because they are not mature enough to prevent frequent loss.

## Legal

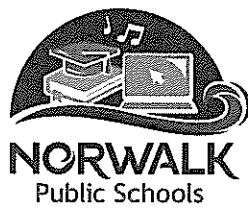
10-221 Board of education to prescribe rules

10-233c Suspension of pupils

10-233e Notice as to disciplinary policies and action

52-572 Parental Liability for torts to minors Damage defined

53-198 Smoking in ...school buses



Book	Policy Manual
Section	5000 - Students
Title	Vandalism by Minors
Code	5131.05
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

## **Vandalism**

### **VANDALISM BY MINORS**

The parent/guardian of any minor/unemancipated child who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to the school district shall be held liable for all such damages up to the maximum amount allowed under state law.

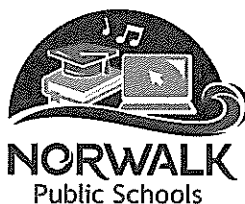
The liability provided under Connecticut General Statutes 52-572 does not relieve the minor(s) of personal liability for such damage or injury. This liability of the parent/guardian for damages done by a minor child is in addition to any other liability which exists in law.

The parent/guardian of a minor child shall also be held liable for all property belonging to the school system lent to the student and not returned upon demand of the school system. The student may also be liable to disciplinary action.

### **Vandalism by an Adult Student**

An adult student will be held personally liable for any damage done to any property, real or personal, belonging to the school district. The student may also be subject to disciplinary action.

Legal	10-221(c) Board of education to prescribe rules (re sanctions that may be imposed by a board against pupils who damage or fail to return textbooks, library materials or other educational materials (as amended by P.A. 81-257; 82- 137)  52-572 Parental liability for tort of minors. Damage defined.
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Book	Policy Manual
Section	5000 - Students
Title	Drugs, Tobacco, Alcohol
Code	5131.06
Status	Retired
Adopted	August 29, 1985
Last Revised	June 20, 1997
Retired	June 14, 2022
Prior Revised Dates	05/20/1986; 10/20/1987; 07/01/1993; 05/20/1997;

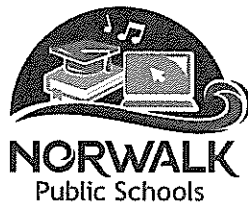
## **DRUGS, TOBACCO, ALCOHOL**

### **TOBACCO**

The Norwalk Board of Education encourages everyone to refrain from the use of tobacco substance (i.e. cigarettes, cigars, and pips, smokeless and chewing tobacco.)

To that end use of tobacco substances is not permitted in any building of the Norwalk Public Schools. Use of tobacco substances is not permitted on the grounds of the Norwalk Public Schools.

Legal	1-21lb Smoking prohibited in certain places. Signs required. Penalty (as amended by P.A. 87-201 an Act Pro9hibiting Smoking In Schools During School Hours)
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Book	Policy Manual
Section	5000 - Students
Title	Weapons and Dangerous Instruments
Code	5131.07
Status	Retired
Adopted	June 26, 2018
Retired	June 14, 2022

## **WEAPONS AND DANGEROUS INSTRUMENTS**

### **I. PURPOSE**

The Norwalk Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited. Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

### **II. Definitions**

Connecticut General Statutes: Sec. 531-3. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title:

1. "Person" means a human being, and, where appropriate, a public or private corporation, a limited liability company, an unincorporated association, a partnership, a government or a governmental instrumentality;
2. "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property;
3. "Physical injury" means impairment of physical condition or pain;
4. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ;
5. "Deadly physical force" means physical force which can be reasonable expected to cause death or serious physical injury;
6. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, billy, billyjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206;
7. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted to threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;

8. "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

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

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

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

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

#### VII. Weapons and Dangerous Instruments

1. Weapons under the control of law enforcement personnel are permitted. The Superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the District and conducted on District property.
2. In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone" is defined by federal law, means in/on school grounds or within 1,000 feet of school grounds.
3. "School Zone" signs will/may be posted in cooperation with city/town officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

#### Legal

10-221 Boards of education to prescribe rules.

10-233a through 10-233f - Expulsion as amended by PA 95-304

53a-3 Definitions

53a-217b - Possession of firearms and deadly weapons on school grounds

53-206 Carrying and sale of dangerous weapons.

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

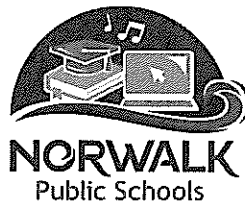
Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006)

GOALS 2000: Educate America Act

18 U.S.C. 921 Definitions.

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

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



Book	Policy Manual
Section	5000 - Students
Title	Weapons and Dangerous Instruments Regulation
Code	5131.07-R
Status	Retired
Retired	June 14, 2022

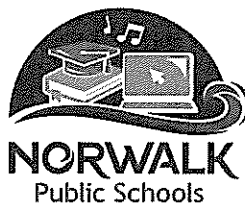
### **WEAPONS AND DANGEROUS INSTRUMENTS REGULATION**

Students shall not possess weapons or dangerous instruments of any kind on school grounds or buildings, nor on school buses, nor on any school-related or school sponsored activity away from school facilities, unless written permission has been obtained as provided by law. Weapons and dangerous instruments shall include those defined by law.

Possession of or bringing such weapons or devices on school grounds may also be a violation of criminal law, and therefore any violation of this regulation shall be reported immediately to the local law enforcement agency and the parent or guardian notified if possible. Students who violate this regulation shall be subject to appropriate disciplinary action as well as possible court action.

Any dangerous device or weapon may be seized by an employee of the school system under the power granted to the board of education to maintain order and discipline in the school, and to protect the safety of students, staff and the public.

Every employee seizing any weapon or dangerous instrument under the provisions of this regulation shall report the incident to the building principal immediately, and deliver the seized device to the principal, together with the name(s) of persons involved, witnesses, location and circumstance(s) of the seizure. If it is known that a student has possession such a device but the device has not been seized, the employee should report the matter to the principal immediately, and the principal shall take such action as is appropriate. The principal shall report all violations of this regulation to the superintendent or designee, and to the local law enforcement agency on approval of the superintendent or designee.



Book	Policy Manual
Section	5000 - Students
Title	Alcohol Use, Drugs, and Tobacco (including Performance Enhancing Substances)
Code	5131.61
Status	Retired
Adopted	September 10, 1985
Last Revised	August 21, 2018
Retired	June 14, 2022
Prior Revised Dates	10/02/1990; 12/04/2001;

### **ALCOHOL USE, DRUGS, AND TOBACCO (INCLUDING PERFORMANCE ENHANCING SUBSTANCES)**

Pursuant to the goal of the Board of Education (Board) to maintain a drug, tobacco and alcohol-free school district, schools shall take positive action through education, counseling, parental involvement, and medical and police referral in handling incidents in the schools involving possession, sale, and/or use of behavior affecting substances. These substances shall include but not be limited to alcohol and controlled substances as defined in the Penal Code of the State of Connecticut.

Alcohol, tobacco, stimulants, street drugs, including but not limited to marijuana, heroin and cocaine; anabolic steroids, hormones and analogues, diuretics and other performance enhancing substances; including supplements and Creatine, are addressed by this policy and accompanying administrative regulations.

Possessing, using, or transmitting any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2 and bath salts are addressed by this policy.

#### **Definitions**

Drugs are defined as any substance other than food or water that is intended to be taken or administered (ingested, injected, applied, implanted, inhaled, etc.) for the purpose of altering, sustaining, or controlling the recipient's physical, mental, or emotional state. Drugs may include, but not be limited to, alcoholic beverages; controlled substances such as marijuana, hallucinogens, cocaine, barbiturates, amphetamines, narcotics; and non-authorized prescription drugs.

Controlled substances, for purposes of this policy shall include all controlled substances prohibited by federal and state law, look-alike drugs, alcoholic beverages, anabolic steroids, drug paraphernalia, any volatile solvents or inhalants, such as but not limited to glue and aerosol products, and prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.

Under the influence, for purposes of this policy shall include any consumption or ingestion of controlled substances by a student.

Electronic nicotine delivery system means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.

Liquid nicotine container means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

Vapor product means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

### **Privacy Rights**

Personal privacy rights of students shall be protected as provided by law. School properties may be inspected by school authorities to maintain health and safety. Searches to locate drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable grounds for searches by school personnel. Privileged communication between a certified or paraprofessional employee and a student concerning drug abuse shall remain confidential except in cases where the employee is obtaining physical evidence of a controlled substance, and/or where there is an immediate threat to, or where students' health, safety, and welfare may be jeopardized.

### **Illegal Activities**

Use, possession, sale or distribution of drugs, including prescription drugs, drug paraphernalia and/or alcoholic beverages in violation of state law or Board of Education policy is prohibited at any time on school premises or at any school-sponsored activity. If a student is under the influence of a drug or alcohol, or engaged in the illegal activity of possessing or selling drugs and/or alcohol, the police will be notified, his/her parent(s)/guardian will be contacted, he/she will be suspended from school, referred to a Student Support Team, and considered for expulsion. In cases of the illegal activity of possessing or selling drugs or alcohol, students will be referred to the appropriate law enforcement authorities. If a student is arrested and is awaiting trial for possession of, or possession of with intent to sell drugs in or on school property or at a school-sponsored event, the student will not be allowed to attend school without the permission of the Superintendent, per the guidelines set forth in Policy #5114.

### **Notification of Policy**

Annually, students will be notified through the student handbook, or through other means, of disciplinary sanctions for violation of this policy.

Principals shall include statements, appropriate to student maturity, in school handbooks and on District/school websites to the effect that:

1. the unlawful manufacture, distribution, sale, dispensing, possession or use of controlled substances, other illegal drugs, performance-enhancing substances, alcohol or tobacco, including electronic nicotine delivery systems and vapor products, is prohibited in school, on school grounds, on school transportation and at school sponsored activities;
2. compliance with the standards of conduct stated in the handbook is mandatory;
3. a violation of its provisions will subject students to disciplinary action up to and including expulsion and referral for prosecution: and
4. CIAC controlled activities at the high school and middle school levels sponsored by the District/school are included in this policy and accompanying administrative regulations.
5. CIAC may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes.

### **Disciplinary Action**

Students who violate this policy will be subject to disciplinary action which includes, but is not limited to, suspension or expulsion, and/or a program recommended by the Student Support Team. Student athletes who violate this policy, participating in CIAC-controlled activities shall also be declared ineligible for such activities in accordance with CIAC policy and regulation. Any disciplinary actions imposed will ensure that similar violations will be treated consistently. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The following guidelines for reporting alleged violations are to be followed:

1. If an employee suspects student possession, use, abuse, distribution or sale of controlled substances, other illegal drugs, performance-enhancing drugs, alcohol, or tobacco/tobacco products the employee shall refer the matter to the Principal or his/her designee. The Principal or designee will notify the student's parent/guardian, recommend a specific assessment, as appropriate, and contact law enforcement personnel as appropriate.

2. If an employee obtains physical evidence of a controlled substance, other illegal drug, drug paraphernalia, performance-enhancing drugs, alcohol, tobacco products or tobacco paraphernalia from a student in school, on school grounds, on school provided transportation or at a school sponsored event, the employee shall turn the student and the controlled substance over to the school principal or designee. The Principal will notify the student's parent/guardian, recommend a specified assessment as appropriate, notify law enforcement personnel and shall surrender possession of the controlled substance to the proper authorities within the time period required by state law.

### **Drug-Free Awareness Program**

The Superintendent shall assure that the school District provides a drug-free awareness program for students including the following topics:

- health and safety-related dangers of drug abuse;
- review of the Board of Education's policy of maintaining drug-free schools;
- notification of the availability of drug counseling and rehabilitation programs; and
- official penalties for drug abuse violations in schools.

### **Drugs and Alcohol**

It is the policy of the Board to prevent and prohibit the use (except as duly authorized through the school nurse), possession, distribution or sale of any drug, drug paraphernalia, or alcohol by any student at any time on school property, at school-sponsored events or on school-provided transportation. The District provides (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency; and will provide (2) assistance to those students who are affected by drug/alcohol possession or use by others. Any student in District schools found to be using, selling, distributing, in possession of or under the influence of intoxicants, mood altering drugs or substances, or look-alike drugs, or in possession of any related drug paraphernalia during a school session, on school premises, or anywhere at a school-sponsored activity or trip, on school-provided transportation, or otherwise off school grounds when such student's conduct violates the substance abuse policy and is seriously disruptive of the educational process shall be subject to consequences as stated in the student handbook.

A breath alcohol tester is approved for use at events/activities such as dances and proms at the middle school and high school levels where, in the judgment of the school administrator, there exists reasonable suspicion that a student has consumed an alcoholic beverage and then, only under the following circumstances:

- The student denies to an administrator that he/she has consumed alcoholic beverages and wishes to establish his/her innocence. Should the student register a positive reading on the breath alcohol tester, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.
- The student denies to an administrator that he/she has consumed alcoholic beverages and elects not to utilize the breath alcohol tester to establish his/her innocence. The judgment of the administrator will then be utilized to determine if the student has consumed an alcoholic beverage. In this instance, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.

### **Inhalant Abuse**

In addition to the prohibitions pertaining to alcohol, drugs and tobacco contained in this policy, no student shall inhale, ingest, apply, use or possess an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.

For purposes of this policy, inhalants are defined as follows, but not limited to:

Nitrous Oxide - Laughing Gas, Whippets, CO2 Cartridge

Amyl Nitrite - "Locker Room," "Rush," "Poppers," "Snappers"

Butyl Nitrite - 11Bullet," "Climax"

Chlorohydrocarbons - Aerosol Paint Cans, Cleaning Fluids

Hydrocarbons - Aerosol Propellants, Gasoline, Glue, Butane

Further, no student, 18 years of age or older, shall intentionally, knowingly or recklessly deliver or sell potentially abusable inhalant materials as listed above to a minor student.

No student shall intentionally use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint or substance or other substance that contains a volatile chemical.

Any student in the District schools found to be in possession of, using, distributing, or selling potentially abusable inhalant materials shall be subject to disciplinary action as outlined in this policy, up to and including suspension and a recommendation for expulsion. Violators of this policy may also be required to complete an appropriate rehabilitation program. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The Board of Education shall incorporate into the curriculum at all levels education pertaining to potential inhalant abuse which is appropriate for students given their age, maturity, and grade level. Inhalant abuse educational programs/information for parents/guardians will be offered in a manner convenient to parents/guardians.

### **Performance-Enhancing Drugs (including food supplement)**

In addition to the prohibition pertaining to alcohol, drugs, tobacco and inhalants, the Board of Education prohibits the use, possession, distribution or sale of performance-enhancing drugs, including anabolic steroids and food supplements, including Creatine, by students involved in school-related athletics or any co-curricular or extracurricular school activity/program, other than use for a valid medical purpose as documented by a physician. Bodybuilding and enhancement of athletic ability and performance are not considered valid medical purposes.

School personnel and coaches will not dispense any drugs, medication or food supplements except as in compliance with Connecticut State law, District policy and as prescribed by a student's physician, dentist, physician assistant or advanced practice registered nurse.

Students shall be made aware of the dangers of steroid abuse and that such abuse, unauthorized possession, purchase, or sale will subject them to disciplinary action and CIAC sanctions.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose, and the Board of Education shall approve, procedures and regulations to ensure that any student violating this section is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

It is the expectation of the Board that District schools, as members of the Connecticut Interscholastic Athletic Association (CIAC), require all athletes playing in CIAC-controlled sports to be chemical free.

### **Tobacco/E-Cigarette Use by Students**

There shall be no smoking or any other unauthorized use or possession of tobacco, tobacco products, including chewing tobacco or tobacco paraphernalia, and electronic nicotine delivery systems or vapor products by students in any school building or school vehicle at any time or on any school grounds during the school day, or at any time when the student is subject to the supervision of designated school personnel. Such as when the student is at any school function, extracurricular event, field trip, or school related activity such as a work-study program. An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

Alternate language to consider: For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including but is not limited to, cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products. In order to protect students and staff, the Board prohibits the use of tobacco or nicotine-based products in school buildings, on school grounds, in school vehicles, or at any school-related event.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar actions are treated consistently.

### **Medical Marijuana**

The conditions which follow are applicable to a District student who holds a certificate authorizing the palliative use of marijuana issued by the Connecticut Department of Consumer Protection (DCP) for the medical use of marijuana as set out in P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana" and as amended by P.A. 16-23.

The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana certificate holder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana certificate holder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending District schools. A student medical marijuana certificate holder shall not:

- Undertake any task under the influence of marijuana that would constitute negligence;
- Possess or engage in the medical use of marijuana,
- On a school bus,
- On the grounds of any preschool, elementary or secondary school,
- Utilize marijuana on any form of public transportation or in any public place.
- Operate, navigate, or be in actual physical control of any motor vehicle while under the influence of marijuana, except that a qualifying certified marijuana user for medical purposes shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- Use marijuana in any manner not authorized by P.A. 12-55 as amended by P.A. 16-23; or
- Offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative of the school.

If District officials have reasonable belief that a student may be under the influence, in possession of, or distributing medical marijuana, in a manner not authorized by the medical marijuana statute, law enforcement authorities will be informed.

A student who violates any portion of this policy shall be subject to disciplinary action and applicable criminal prosecution.

## Legal

1-21b Smoking prohibited in certain places.

IQ-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.

IQ-22 I(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs.

21a-240 Definitions dependency producing drugs.

21a -240(8) Definitions "Controlled Drugs," dependency producing drugs.

21a-240(9) Definitions "controlled substance."

21a-243 Regulation re schedules of controlled substances.

21a-408 et. seq. Palliative Uses of Marijuana (as amended by P.A. 16- 23)

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

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

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.

P.A. 16-23 An Act Concerning the Palliative Use of Marijuana

P.A. 14-76 An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention.

P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

20 U.S.C. Section 7181 et. seq., No Child Left Behind Act.

Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act)

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

Veronia School District 47J v. Acton, 515 U.S. 646. (1995)

Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002).

## Cross References

5114 - Suspension/Expulsion; Exclusion/Removal

5131 - Student Conduct

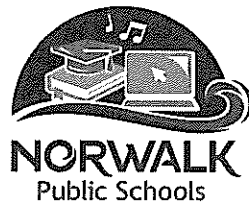
5131.61 - Alcohol Use, Drugs, and Tobacco (including Performance Enhancing Substances)

5131.62 - Anabolic Steroids

5144 - Use of Reasonable Physical Force/Restraints

5145.12 - Locker and Desk Searches

5145.124 - Breathalyzer Testing



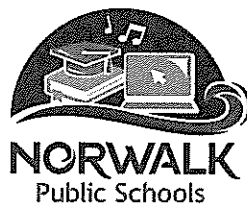
Book	Policy Manual
Section	5000 - Students
Title	Anabolic Steroids
Code	5131.62
Status	Retired
Adopted	January 31, 1989
Last Revised	December 4, 2001
Retired	June 14, 2022
Prior Revised Dates	06/20/1995;

### **ANABOLIC STEROIDS**

The use, possession, or sale of anabolic steroids by students of Norwalk Public Schools is strictly prohibited by the Norwalk Board of Education.

Any student in Norwalk Public Schools selling or distributing anabolic steroids on such property during a school day or at a school-sponsored activity shall be automatically subject to the following action:

The police will be notified immediately and the student will be recommended to the Board of Education for expulsion from Norwalk Public Schools pursuant to Section 10-233 (d).



Book	Policy Manual
Section	5000 - Students
Title	Anabolic Steroids Regulation
Code	5131.62-R
Status	Retired
Adopted	January 31, 1989
Last Revised	June 20, 1995
Retired	June 14, 2022

### **ANABOLIC STEROIDS REGULATION**

The use, possession, or sale of anabolic steroids by students of the Norwalk Public Schools is strictly prohibited by the Norwalk Board of Education.

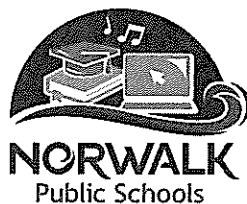
#### **Procedures**

If a coach, teacher or administrator suspects a student athlete of using steroids, a request shall be made for assistance from the school nurse. The nurse will then follow the existing procedure for handling medical problems.

When, in the opinion of the administrator, sufficient information has been received, a conference with the athlete and the parent/guardian will be arranged.

If steroids have been prescribed as treatment for abnormal deficiency, that athlete may continue to participate in practice and play, once medical documentation of need for steroid treatment has been received.

Each parent/guardian of a student participating in a sports program is required to sign a statement that delineates the legal and medical implications of anabolic use.



Book	Policy Manual
Section	5000 - Students
Title	Bullying/Safe School Climate Plan
Code	5131.91
Status	Retired
Adopted	October 1, 2002
Last Revised	November 1, 2011
Retired	June 14, 2022
Prior Revised Dates	12/16/2008;

## **BULLYING/SAFE SCHOOL CLIMATE PLAN**

### **I. PURPOSE**

The Board of Education (the "Board") is dedicated to promoting and maintaining a positive learning environment where all students are welcomed, supported, and feel safe in school socially, emotionally, intellectually and physically. The purpose of this policy is to address the existence of bullying in schools and to establish the guidelines for the development of the district's Safe School Climate Plan.

The Board expects prompt and reasonable investigations of alleged acts of bullying. The principal of each school or his/her designee is responsible for handling all complaints of alleged bullying.

### **II. BULLYING PROHIBITED**

- A. Bullying activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times. No student, employee, volunteer, or contractor of the school district shall encourage, aid, or consent to bullying. No student, employee, volunteer, or contractor of the school district shall permit, condone, or tolerate bullying. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- B. Bullying is prohibited on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education.
- C. Bullying is also prohibited outside of the school setting if such bullying results in any of the following: (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school.
- D. Any form of discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying is also strictly prohibited.
- E. Any student who engages in bullying as defined in this policy may be subject to discipline up to and including expulsion. Any school employee who fails to respond to bullying as required by this policy and the district's Safe School Climate Plan may be subject to discipline up to and including termination.

### **III. DEFINITIONS**

- A. **"Bullying"** means (1) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or (2) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:
- a. Causes physical or emotional harm to such student or damage to such student's property,
  - b. Places such student in reasonable fear of harm to himself or herself, or of damage to his or her property,
  - c. Creates a hostile environment at school for such student,
  - d. Infringes on the rights of such student at school, or
  - e. Substantially disrupts the education process or the orderly operation of a school.

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

- B. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- C. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.
- D. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system;
- E. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;
- F. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;
- G. **"Safe School Climate Coordinator"** means the individual appointed by the Superintendent of Schools from existing staff who is responsible for:
1. Implementing the district's Safe School Climate Plan;
  2. Collaborating with the safe school climate specialists, the Board and the Superintendent of Schools to prevent, identify and respond to bullying in the schools of the district;
  3. Providing data and information, in collaboration with the Superintendent of Schools of the district, to the State Department of Education regarding bullying, in accordance with state law; and
  4. Meeting with the safe school climate specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district's Safe School Climate Plan.
- H. **"Safe School Climate Specialist"** means the principal of each school, or the principal's designee who is responsible for:
1. Investigating or supervising the investigation of reported acts of bullying in the school in accordance with the district's Safe School Climate Plan;
  2. Collecting and maintaining records of reports and investigations of bullying in the school; and
  3. Acting as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.
- I. **"School employee"** means
1. A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of

education or working in a public elementary, middle or high school; or

2. Any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

J. **"School climate"** means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

#### **IV. SAFE SCHOOL CLIMATE PLAN**

The following shall constitute the District's "Safe School Climate Plan" to address bullying in its schools. The Superintendent or his/her designee is authorized to promulgate such specific plans and procedures to further the implementation of the Safe School Climate Plan.

##### **A. Reporting Procedures**

1. Any student who believes he or she has been the victim of bullying may report the matter to any school employee. Students may anonymously report acts of bullying to school employees.
2. Parents or guardians of students may also file written reports of suspected bullying.
3. School employees who witness acts of bullying or receive reports of bullying are required to orally notify the safe school climate specialist (or another school administrator if the safe school climate specialist is unavailable), not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report.

##### **B. Investigation**

1. The safe school climate specialist shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports.
2. The safe school climate specialist shall review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report.
3. The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of bullying or retaliation of any kind while the investigation is pending.
4. The investigator shall remind involved parties that any form of discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying is strictly prohibited.
5. At all times the investigator must be mindful of the requirements regarding the confidentiality of education records.
6. If the allegations of bullying involve acts that may also constitute unlawful harassment based upon a student's race, color, national origin, sex, disability, religion, sexual orientation or gender identity or expression, the investigator shall notify the district's Human Relations Officer. The student who has made a report of bullying and his/her parent or guardian will be provided with information about the district's policies and procedures for making a complaint of unlawful harassment.
7. After a prompt investigation, the investigator should ascertain whether the alleged conduct occurred and whether such conduct constitutes bullying as defined by this policy.

##### **C. Response to Verified Acts of Bullying**

1. If it is determined that bullying has occurred, the school will take prompt corrective action that is reasonably calculated to stop the bullying and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion.
2. Each school shall notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation. This notification shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying.
3. Each school is required to invite the parents or guardians of a student who commits any verified act of bullying and the parents or guardians of the student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student.

against whom such act was directed and to prevent further acts of bullying. This invitation shall also include the description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Except in rare circumstances, such meetings with parents and guardians should be held separately.

4. A student safety support plan shall be developed for any student against whom an act of bullying was directed. The plan shall address safety measures the school will take to protect such students against further acts of bullying.
5. Case-by-case interventions shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline.
6. The principal of a school, or designee, shall notify the appropriate local law enforcement agency when such principal, or designee, believes that any acts of bullying constitute criminal conduct.

#### **D. Prevention and intervention strategy**

Students shall be provided with a variety of prevention and intervention strategies which may include, but are not limited to:

1. Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the State Department of Education;
2. School rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;
3. Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur;
4. Inclusion of grade-appropriate bullying education and prevention curricula in kindergarten through high school;
5. Individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees;
6. School-wide training related to safe school climate;
7. Student peer training, education and support;
8. Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.

#### **E. Documentation and Record Keeping**

1. Safe school specialists shall establish a procedure for each school to:
  - a. Document and maintain records relating to reports and investigations of bullying in such school.
  - b. Maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection. This public list must not contain any personally identifiable information about any student or information that might reasonably lead to the identification of any student.
2. The district's safe school climate coordinator shall annually report the number of verified acts of bullying in the district's schools to the Department of Education in such manner as prescribed by the Commissioner of Education.

#### **F. Training**

1. All school employees must annually complete training on the prevention, identification and response to bullying and the prevention of and response to youth suicide. The training will be provided to teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate via in-service training. (Such in-service training may not be required if the district implements any evidence-based model approach that is approved by the State Department of Education and is consistent with state law.) All other school employees shall receive such training as provided by the State Department of Education.
2. As part of the prevention and intervention strategies, schools may also implement school-wide training related to safe school climate and student peer training, education and support.

## **G. Safe School Climate Committee**

For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee (or designate at least one existing committee in the school) to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal. Parents or guardians who serve on such committee shall not participate in the activities described in subparagraphs (1) and (2) below or any other activity that may compromise the confidentiality of a student. The safe school climate committee of each school shall:

1. Receive copies of completed reports following investigations of bullying;
2. Identify and address patterns of bullying among students in the school;
3. Review and make recommendations to amend school policies relating to bullying;
4. Review and make recommendations to the district safe school climate coordinator regarding the district's safe school climate plan based on issues and experiences specific to the school;
5. Educate students, school employees and parents and guardians of students on issues relating to bullying;
6. Collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the law;
7. Perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

## **H. Periodic Assessment of School Climate.**

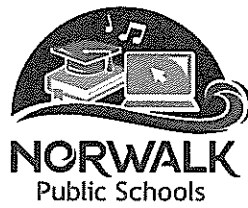
1. On and after July 1, 2012, and biennially thereafter, each school in the district shall complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the State Department of Education. The assessments for each school in the district shall be submitted to the State Department of Education so that the state can monitor bullying prevention efforts over time and compare each district's progress to state trends.
2. Assessment tools may also be used by Safe School Climate Committees to review and make recommendations for revisions to the district's Safe School Climate Plan.

## **I. Notice Requirements**

1. At the beginning of each school year, each school will provide all school employees with a written or electronic copy of the school district's Safe School Climate Plan.
2. Students and the parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.
3. Students shall be provided with notice of the definition of bullying, cyberbullying and the potential consequences of engaging in such acts by the inclusion of language in student codes of conduct concerning bullying.
4. The district's Safe School Climate Plan shall be made available on the board's and each individual school in the school district's Internet website and ensure that such plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

## Legal

10-15c Discrimination in public schools prohibited  
46a-58 Deprivation of rights  
10-145a Certificates of qualification  
10-1450 Teacher education and mentoring program  
10-220a In-service training  
10-222d Policy on bullying behavior  
10-2229 Prevention and intervention strategy re: bullying  
10-222h Analysis of bullying policies  
P.A. 11-232 "An Act Concerning the Strengthening of Bullying Laws"  
20 U.S.C. 1400 Individuals with Disabilities Education Act  
20 U.S.C. 1681 Title IX of the Education Amendments of 1972  
29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973  
42 U.S.C. 2000d Title VI of the Civil Rights Act of 1964  
42 U.S.C. 12101 Americans with Disabilities Act



Book	Policy Manual
Section	5000 - Students
Title	Student Dress & Grooming
Code	5132
Status	Retired
Adopted	September 10, 1985
Last Revised	December 1, 1998
Retired	June 14, 2022

### **STUDENT DRESS AND GROOMING**

The serious nature of our school activities and pride in the reputation of our school require neat grooming, cleanliness and appropriate dress.

Student's overall appearance should fall within the generally accepted definitions of neatness and cleanliness. Generally, the students are expected to dress and groom themselves for the business of school so as to neither distract other students or themselves for the business of school so as to neither distract other students or teachers, disrupt the education process, or pose a health or safety threat to anyone. Clothing should be clean, un-torn, free from promotion of or reference to drugs, alcohol and tobacco, and offensive signs, symbols or words. Clothing should also be free of slogans, names, titles or the like which are defamatory toward person(s), group(s), the school or other organizations or which are likely to incite or inflame. Apparel which is worn to symbolize membership in a gang or clique will not be permitted.

The Board of Education encourages students to dress in clothing appropriate to the school situation. Restrictions on freedom of student dress may be applied whenever the mode of dress in question:

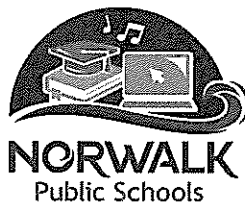
1. is unsafe either for the student or those around the student;
2. is disruptive to school operations and the education process in general;
3. is contrary to law.

The following clothing styles are specifically prohibited:

1. Black soled shoes, boots or sneakers which mark the floor.
2. "See-through" style and/or mesh style shirts, blouses or midriff tops.
3. Underwear worn as outerwear.
4. Short shorts, athletic shorts and cutoffs. (Shorts will be permitted as long as they are mid thigh length and of appropriate fit.)
5. Ripped jeans/cutoffs.
6. Spandex clothing.
7. Short skirts. (Skirts no shorter than slightly above the knee and of appropriate fit are permitted.)

At the secondary level (7-12) clothing which is worn in physical education shall not be worn in other classes or parts of the school nor shall clothing worn in regular classes be worn in physical education. Physical education teachers will specify the kind of clothing appropriate for their activity.

The wearing of sunglasses in school is not permitted.



Book	Policy Manual
Section	5000 - Students
Title	Prohibition on Distributing of Demeaning Images
Code	5136
Status	Retired
Adopted	May 7, 2013
Retired	June 14, 2022

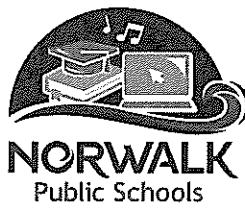
### **PROHIBITION ON DISTRIBUTING OF DEMEANING IMAGES**

The Norwalk Board of Education recognizes that the widespread use of social media and portable electronic devices facilitates the distribution of photographic and video images (regardless of the format or means of distribution), and that certain of those images depict their subjects in a compromising, demeaning, socially unacceptable and/or sexually explicit manner (such photographic and video images are referred to in this policy as "Impermissible Content"). The Norwalk Board of Education also recognizes that the distribution of Impermissible Content among students and employees of the Norwalk Public Schools can be used as a tool for bullying of students and employees, and can create disturbances and distractions in our school, and, as such, is antagonistic to the educational mission of the Norwalk Public Schools.

Therefore, the sharing, distribution, publication, displaying, electronically posting or sending, or other communicating, of Impermissible Content which depicts a student, administrator, teacher, certified staff or non-certified staff member by or among any student, administrator, teacher, certified staff or non-certified staff member, or by and among any individuals within any school, is expressly prohibited.

The code of student conduct shall contain specific punishment for the violation of this Policy.

Notwithstanding any specific discipline imposed for the violation of this policy by any student or administrator, teacher, certified staff or non-certified staff member, nothing shall prevent imposition of such other penalties as may be warranted by the circumstances of the particular violation, including (but not limited) discipline for breach of an individual's privacy rights, sexual harassment, bullying and referral to the police for criminal investigation as warranted.



Book	Policy Manual
Section	5000 - Students
Title	Health Assessments and Immunizations Regulation
Code	5141.03-R
Status	Retired
Adopted	September 10, 1985
Last Revised	April 26, 2011
Retired	June 14, 2022
Prior Revised Dates	06/20/2001; 05/01/2001; 06/06/2006; 02/04/2008;

#### **Health Assessments and Immunizations**

##### **PRIOR ADMITTANCE TO SCHOOL REGULATION**

To be in compliance with Section 1-206 of Connecticut Statutes, the Norwalk Board of Education requires a health assessment before entering the school system. The assessment may be performed by any legally qualified practitioner of medicine (MD or DO), an advanced practice registered nurse or registered nurse, a physician assistant or the school medical advisor. Findings of the assessment must be recorded and signed by the provider and submitted on the State of Connecticut Department of Education Health Assessment Record, as is required by statute. This health assessment must be dated within one year of the date that the student will enter the Norwalk Public School system. When the health assessment cannot be provided through private or community resources, an appointment for a health assessment may be explored through school health services.

A health assessment may not be required if parent/guardian objects in writing on religious grounds.

Assessment of the risk of exposure to tuberculosis is required for all new enterers. The provider must record results of that assessment on the student's health Assessment Record.

All students must provide evidence of immunizations as required under Sections 10-204 and 10-204a of the Connecticut General Statutes.

##### **Follow-up Health Assessment**

In Norwalk, health assessments are required in grades six (6) and nine (9). It is advisable that the student's regular health care provider perform these assessments. Risk of exposure to tuberculosis must be assessed by the provider and recorded on the Health Assessment Record. When a health assessment cannot be provided through private or community resources, an appointment for a health assessment may be explored through School Health Services. Parent/guardian is invited to be present during the health assessment.

An accurate up-to-date cumulative health records for each student shall be filed in the school he/she attends.

##### **Interscholastic Sports**

Students shall not be permitted to compete on interscholastic teams without prior health assessment and approval by any legally qualified practitioner of medicine (MO or DO), an advanced practice registered nurse, a physician assistant, or the school medical advisor. This health assessment must be documented on the revised (4/2010 or later) State of Connecticut Department of Education

Health Assessment Record and performed within the past 13 months of student participation in interscholastic sports. Signed permission of parents is also required.

### **Referrals to Health Services**

Staff members are expected to be observant of all students for any abnormal physical signs or symptoms. All students showing any signs of illness are to be referred immediately to the school nurse, principal, or guidance counselor.

#### **Legal**

10-204 Vaccination

10-204 a Required immunizations (as amended by P.A. 84-46)

10-204c Immunity from liability

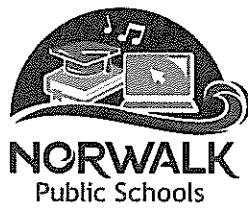
10-205 Appointment of school medical advisers

10-206 Health assessments

10-206 a Free health assessments

10-207 Duties of medical advisers

10-208 Exemption from examination or treatment

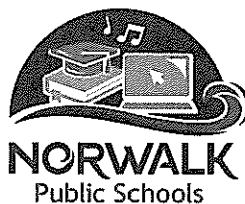


Book	Policy Manual
Section	5000 - Students
Title	Child Abuse/Neglect
Code	5141.04
Status	Retired
Last Revised	March 15, 2011
Retired	June 14, 2022
Prior Revised Dates	02/02/1999;

#### **CHILD ABUSE/NEGLECT**

The Board of Education recognizes that a student's mental and physical health will have an effect on the student's ability to obtain the most benefits from attending school. In order to increase the student's ability to learn while in school, the Board of Education realizes the importance of identifying students who may be suffering from abuse or neglect.

The Board of Education shall promote this policy, shall comply with the Connecticut General Statutes regarding child abuse and neglect, by requiring all employees of the Norwalk Public Schools, who have reasonable cause to suspect or believe that a child has been abused or neglected to report any suspected child abuse or neglect, whether by a family member, caretaker, school employee, or other person, to the designated authority, as set forth in the regulations which follow.



Book	Policy Manual
Section	5000 - Students
Title	Child Abuse/Neglect Regulation
Code	5141.04-R
Status	Retired
Adopted	March 15, 2011
Retired	June 14, 2022

## **CHILD ABUSE/NEGLECT REGULATION**

### **I. INTRODUCTION**

Connecticut General Statutes Section 17a-101, requires certain school personnel (school teachers, school administrators, school guidance counselors and school paraprofessionals), as well as licensed nurses, psychologists, social workers and the superintendent of schools, as mandated reporters, who have reasonable cause to suspect or believe that a child has been abused or neglected, to report such suspected abuse and/or neglect to the designated agency with the understanding that failure to do so may result in a fine and that they are protected by immunity from liability (civil or criminal). It is the policy of the Norwalk Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, in accordance with the procedures set forth below.

All personnel shall receive a copy of these policies and procedures and be provided annual training.

### **II. DEFINITIONS**

For the purposes of this policy, the following terms shall have the definitions provided below:

- A. "Abused": means any child or youth under the age of eighteen who (a) has had physical injury or injuries inflicted upon him/her other than by accidental means. or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment such as but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment, or cruel punishment.
- B. "Neglected" means any child or youth under the age of eighteen who (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally, or medically or (c) is being permitted to live under conditions; circumstances or associations injurious to his/her well-being.
- C. "Statutorily Mandated Reporter" means an individual required by Conn. T Gen. Stat. Section 17a-101, as amended by Public Act 96-246, to report suspected abuse and/or neglect.

The following school personnel are statutorily mandated reporters, as provided by state law, subject to amendment:

- Administrators
- Teachers
- Guidance Counselors
- Psychologists
- Social Workers
- Speech Pathologists
- Nurses
- Educational Assistants
- Superintendent of Schools

- D. "Proper Agency" means the Commissioner of the Department of Children and Families ("DCF") or his/her representative, or area DCF office, or the local police, or state police or other law enforcement.
- E. "Immunity from Liability" means the protection afforded any person, institution or agency which, in good faith, makes the report required by this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceedings which result from such report. Those parties who are afforded "immunity from liability" shall also include students of the Norwalk Public Schools who, in good faith, report the abuse or neglect of a fellow student.

### **III. REPORTING OF SUSPECTED CHILD ABUSE/NEGLECT CASES**

**A. A report must be made when any employee of the Board of Education**, in his/her professional capacity, has reasonable cause to suspect or believe that a child der the age of 18:

1. has been abused (as defined in these regulations and the Connecticut General Statutes), or
2. has had non-accidental physical injuries or physical injuries which are at variance with the history given for them inflicted by a person responsible for the child's health, welfare or care or by a person given access to such child by a responsible person; or
3. has been neglected.

**B. Reporting Procedures for Statutorily Mandated Reporters.**

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

When an employee of the Board of Education, in his/her professional capacity, suspects or believes that a child has been abused or neglected, the following steps shall be taken.

1. The employee shall immediately upon suspecting or believing that a child has been abused or neglected, and in no case later than twenty four hours after having such a suspicion or belief; make an oral report by telephone or in person to the DCF (whether to a hot-line telephone number or to a local DCF office) or the local law enforcement agency.
2. The employee shall also immediately make an oral report to the school administrator where the child is a student and that administrator shall make an immediate oral report to the Superintendent or designee.
3. The Superintendent or designee, who may be the building administrator, shall immediately notify the child's parent or guardian such a report has been made, unless other se directed by DCF or an appropriate law enforcement agency.
4. Within 48 hours of making an oral report, the employee shall submit a written report to the Commissioner of DCF or his/her representative containing all of the required information.
5. Regardless of whether a written report to the Commissioner of DCF is required under step 4, above, the employee shall immediately submit a written report containing such information to the building administrator and the Superintendent or designee.
6. If a report prepared in accordance with this section, concerns suspected abuse or neglect by a school employee:
  - a. the Superintendent shall undertake, whether directly, or through designee, an investigation of such suspected abuse or neglect, and shall submit a written report to the Commissioner of Education or his/her representative in the case of suspected abuse or neglect by a certified school employee; and
  - b. the Superintendent shall be authorized employee suspected of abuse or neglect of a student on immediate administrative leave with pay and without diminution or termination of benefits, provided the Superintendent or designee arranges a meeting with said school employee (and his/her representative) between twenty-four (24) and forty-eight (48) hours of placing the employee on administrative leave to review the allegations made against said employee.

**C. Reporting Procedures for Employees Other than Statutorily-Mandated Reporters.**

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

When an employee who is not a statutorily mandated reporter suspects or believes that a child has been abused or neglected, the following steps shall be taken:

1. The employee shall immediately upon suspecting or believing that a child has been abused or neglected, and in no case later than twenty four hours after having such a suspicion or belief, make an oral report by telephone or in person to the school administrator where the child is a student, the Superintendent, or designee. This

should be done with discretion and in a manner that ensures the student's right of confidentiality, to be followed by an immediate written report to the school administrator, Superintendent or designee.

2. The Superintendent or designee, who may be the school administrator, shall immediately upon suspecting or believing that a child has been abused or neglected, and in no case later than twenty-four hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of DCF or the local law enforcement agency, if such report has not already been made.
3. The Superintendent or designee, who may be the school administrator, will immediately notify the child's parent or guardian when appropriate and such a report has been made.
4. Unless the oral report of the Superintendent, school administrator or designee to the Commissioner of DCF provided all the information listed in these regulations, within 48 hours of making an oral report the Superintendent, school administrator or designee shall submit a written report to the Commissioner of DCF or his/her representative containing all the required information.
5. If a report prepared in accordance with this section, concerns suspected abuse or neglect by a school employee:
  - a. the Superintendent shall undertake, whether directly, or through his/her designee, an investigation of such suspected abuse or neglect, and shall submit a written report to the Commissioner of Education or his/her representative in the case of suspected abuse or neglect by a certified school employee; and
  - b. the Superintendent shall be authorized to place the school employee suspected of abuse or neglect of a student on immediate administrative leave with pay and without diminution or termination of benefits, provided the Superintendent or designee arranges a meeting with said school employee (and his/her representative) between twenty-four (24) and forty-eight (48) hours of placing the employee on administrative leave to review the allegations made against said employee.

#### **D. Contents of Reports**

Any report made pursuant to this policy shall contain such information as required by the Proper Agency to whom the report is made, to the extent known to the reporter.

#### **E. Submission of Reports**

One copy of the written report is sent to the appropriate Proper Agency office. A second copy is placed in a designated locked file maintained by the building administrator, and, in the case of suspected abuse or neglect of a student by a school employee, a copy shall be sent to the Superintendent, or designee, to be maintained in a locked file separate from said employee's personnel file. This information is treated and monitored according to established procedures for the confidentiality and maintenance of student records.

#### **F. Special Procedures for Reporting Suspected Child Abuse of a Student by School Employee.**

1. If any employee of the Norwalk Public Schools has reasonable cause to suspect another employee of the school system is engaged in behavior which has or is causing physical or emotional injury to a student that employee must follow the procedures in Paragraphs B and C above. In addition, the building administrator shall notify the Superintendent or designee, who shall immediately conduct a thorough investigation. To the extent feasible, this investigation shall be coordinated with the Commission of DCF or the local law enforcement authorities in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent, or his designee, shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of the child are the perpetrators of the alleged abuse.
2. The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent, or designee, may place the employee on administrative leave with pay, pending the outcome of the investigation. It is the expectation of these regulations that the best interests of all parties are served by the timely completion of a thorough investigation and preparation of a written report.
3. The Superintendent is expressly authorized to prescribe internal rules to regulate the timeliness with which internal investigations shall be completed, the contents of those reports, the methods and operating procedures used and the sanctions for school department employees and students who impede such investigations.

#### **G. Evidence of Abuse by Certified School Employee**

If the investigation undertaken by the Commissioner of DCF makes a finding that a child has been abused by a certified employee, the Superintendent shall place the employee on administrative leave (if not already on administrative leave) and notify the Board of Education and the Commissioner of Education, or his representative, of the reasons for and the conditions of the administrative leave within seventy-two (72) hours of receiving notice of that finding. Any decision of the Superintendent concerning such administrative leave shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 14-151.

If the contract of employment of a certified school employee is terminated as a result of the investigation, the Superintendent shall notify the Commissioner of Education, or his representative, as required by law.

Regardless of the outcome of any investigation by the Commissioner of DCF and/or local law enforcement authorities, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute.

#### **H. Evidence of Abuse by Other School Staff**

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

#### **I. Delegation of Authority by the Superintendent**

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

#### **J. Non-discrimination Policy**

Neither the Board of Education nor any employee of the Norwalk Public Schools shall in any manner discriminate or retaliate against any employee or student who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

#### **K. Support of Student Learning**

The Superintendent, or designee, may, in such administrator's informed judgment, make such changes to the schedule of a student as are reasonably necessary to promote the best possible learning environment for a student who may be the victim of, or a witness to, abuse by an employee.

### **IV. Cooperation of School District or DCF Investigation**

- A. Connecticut Law requires school personnel to cooperate toward the prevention, identification and treatment of child abuse and neglect. To the extent feasible, any investigation shall be coordinated with the Proper Agency in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect:

- B. Cooperative Procedures to be Followed During DCF Interviews of Students. The following guidelines shall govern the interview of students to be conducted by DCF on school grounds:

**Interviewing the Child:** Public school personnel who believe that an interview in the school setting may be necessary in order to protect the child must notify the Proper Agency as early in the day as possible to provide both the Proper Agency and the school administration ample time to coordinate appropriate activities and actions. Upon receipt of such notice, the Proper Agency will advise school personnel whether the child must be interviewed in the school. If school personnel then retain the child after the scheduled school day in order to ensure an interview by the Proper Agency or local or state police, school personnel must attempt to notify the parents of the child, except in those cases in which there is reason to believe that the parents or guardian are not responsible for the care of the child.

**Preparation for the Interview.** If the Proper Agency determines that a school interview is appropriate, the Proper Agency officer or social worker shall be required to notify the superintendent of schools or designee prior to the school visit with as much advance notice as possible. The Proper Agency officer shall provide the superintendent of schools with appropriate identification. If the Proper Agency officer is not known to school personnel, a verifying call to the local Proper Agency office shall be made. If deemed appropriate by the Proper Agency or the administration, the parent or guardian of the child will be notified prior to the interview. The Proper Agency personnel are solely responsible for scheduling such interviews. If the Proper Agency employee does not arrive as scheduled and school personnel decide that the retention of the child beyond the school day is necessary to protect the child's physical well-

being, school personnel must attempt to notify the parents of the child that the child will be late, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of the child are the perpetrators of the alleged abuse.

**The Interview:** To ensure confidential communication, the school administration shall provide a private place to interview the child. As part of the investigative process, the Proper Agency officer may request that school personnel be present during the interview. The investigation is to be conducted solely by the Proper Agency officer.

The removal of clothing as part of an investigation into an inquiry which may have been caused by child abuse shall be done at the request of the following persons:

- a. DCF Social Worker;
- b. Officer of the Proper Agency investigating the allegations;
- c. the school medical advisor; or
- d. the school nurse.

#### **V. Emergency Health Care and Reasonable Inquiry**

When reasonable cause to suspect or believe that a child has been abused or neglect exists or when a child has a visible injury, public school personnel may make reasonable inquiry of the child regarding such suspicion or visible injury.

If a school nurse or school medical advisor is not readily available and the rendering of emergency first aid is necessary, other public school personnel who have completed a course in first aid offered by the American Red Cross, the American Heart Association, or the Connecticut Department of Health Services may render such emergency first aid to a child. In accordance with state law, any person providing such aid is not liable for civil damages for any personal injuries which result from acts or omissions by such person rendering the emergency first aid, which constitute ordinary negligence. The immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Legal	§17a101 et seq. Of the Connecticut General Statutes, as amended by Public Act 96-246 and Public Act 97-319 and PA 00-220 and PA 02-106
	17a-102a Report of danger of abuse (as amended by PA 02- 106 and PA 02-138
	PA 96-246 An act concerning the reporting, investigation and prosecution of child abuse and the termination of parental rights
	10-151 Teacher Tenure Act



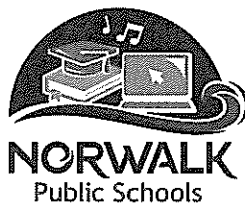
Book	Policy Manual
Section	5000 - Students
Title	Accident Reports
Code	5141.1
Status	Retired
Adopted	September 10, 1985
Last Revised	February 4, 2008
Last Reviewed	June 20, 1995
Retired	June 14, 2022

#### **Accidents**

#### **ACCIDENT REPORTS**

The Board of Education should maintain a file of all accidents which occur while the student is engaged in any school-sponsored activity.

Legal	Connecticut General Statutes
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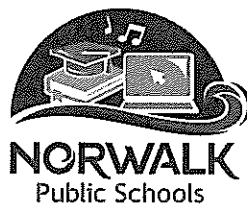
Book	Policy Manual
Section	5000 - Students
Title	Emergency Care for Students Regulation
Code	5141.1-R
Status	Retired
Adopted	September 10, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022
Prior Revised Dates	03/17/1987;

#### **Accidents/Emergencies**

##### **EMERGENCY CARE FOR STUDENTS REGULATION**

1. Each hypersensitive student will be listed for each school. This list will be posted in the school health room.
2. The school nurse will review this list with school staff by September 15th and update as needed.
3. List of hypersensitive students will be posted in each school health room.
4. When one of the hypersensitive students is stung, appropriate first aid care is to be given by school staff as recommended by school medical adviser. Parent shall be notified. If student is taken to hospital emergency room for care, an adult staff member should accompany the student and remain until parent arrives.

Legal	10-205 Appointment of school medical advisers
	10-207 Duties of medical advisers
	10-212 School nurses and nurse practitioners
	10-212a Administration of medicines by school personnel
	52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render



Book	Policy Manual
Section	5000 - Students
Title	Administration of Medication
Code	5141.21
Status	Retired
Adopted	May 15, 1990
Last Revised	January 2, 2013
Retired	June 14, 2022
Prior Revised Dates	05/07/1991; 09/15/1992; 10/10/1995; 12/01/1998; 02/06/2001; 02/04/2008; 06/15/2010; 04/26/2011;

### **ADMINISTRATION OF MEDICATION**

In cases where the well-being of a student requires it, medication may be administered during school hours provided there is a written order from a licensed practitioner who has prescriptive authority as cited by law. An "authorized prescriber" includes a physician (MD or DO), dentist, optometrist, advanced practice registered nurse or physician assistant, and, for interscholastic and intramural sports only, a podiatrist. Written authorization from parent/guardian to administer the medication and the written authorization of a parent/guardian for the exchange of information by the prescriber and school nurse to ensure the safe administration of such medication must also be provided.

Medication shall be administered by the school nurse, who is a licensed, registered nurse. If a licensed practical nurse is employed to assist the school nurse, administration of medication may be delegated to that nurse and such administration will be under the supervision of the school nurse. In the absence of the school nurse, medication may be administered by a licensed practical nurse as delegated by the supervising school nurse. The principal, assistant principal, housemaster or any staff member designated as acting in the previously noted positions, and/or any teacher, or licensed physical or occupational therapist employed full-time by the district, who has been properly trained to administer medication to students, shall do so in the absence of the school nurse and/or delegate nurse. During intramural or interscholastic athletic events a coach or licensed athletic trainer may administer inhalant medications to treat respiratory conditions and cartridge injectors for students with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death during intramural and interscholastic athletic events (see regulations section X). A paraprofessional who has been properly trained may administer medications necessary for prompt treatment of an allergic reaction to a specific student in order to protect that student from harm or death due to a medically diagnosed allergic condition (see regulations section XI). In the case of school readiness programs and before-and-after-school programs, program directors or director's designees lead teachers, or school administrators who have been properly trained may administer medications to students (see regulations Section XII).

Qualified school personnel may administer oral, topical, intranasal or inhalant medications. Cartridge injector medications may be administered by qualified school personnel only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death. In cases of anaphylactic shock, a serious emergency, the school nurse shall administer medical preparations by injection as ordered by the School Medical Advisor.

With the written authorization of a student's parent/guardian and a written order from the student's Connecticut licensed physician, qualified school personnel selected by the school nurse or school principal may, under certain conditions, administer glucagon with injectable equipment to a student with diabetes who require prompt treatment in order to protect the student against serious harm or death. Such authorization is limited to situations where the school nurse is unavailable and the qualified personnel have been specially trained and approved to use such equipment.

Investigational drugs may not be administered by non-nursing delegate personnel. All controlled drugs currently listed in schedule II through V of the Regulations of Connecticut State Agencies, may be administered in schools. Prescribed medication shall be administered to and taken only by the person for whom the prescription is written.

Self-medication by students will be allowed under provisions set forth in the medication procedures. Self-medication may be carried out during school hours and/or school activities.

#### Legal

10-212a-1 - 10-212a-7 Administration of medicine by school personnel;

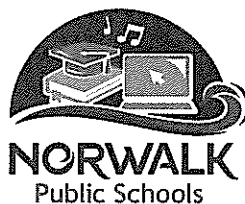
20-94a; 20-12d; Chapters 370, 371, and 379; PA 94-213; PA 04-181 and 04-221.

55-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render. Regulations of Connecticut State Agencies, Section 21a-243-8 through 21a-243-11.

P.A. 09-155, An Act Concerning the Use of Asthmatic Inhalers and Epinephrine Auto Injections While at School

P.A. 09-155, An Act Concerning the Administration of Medicine to Students with Diabetes, The Duties of School Medical Advisor, The Availability of CPR and AED Training Materials for Boards of Education and Physical Exercise During the School Day.

10-220j Blood Glucose self-testing by children Guidelines



Book	Policy Manual
Section	5000 - Students
Title	Administration of Medication Regulation
Code	5141.21-R
Status	Retired
Adopted	May 15, 1990
Last Revised	August 21, 2018
Retired	June 14, 2022
Prior Revised Dates	10/10/1995; 12/01/1998; 02/06/2001; 02/04/2008; 06/15/2010; 04/26/2011;

## **ADMINISTRATION OF MEDICATION REGULATION**

### **Definitions:**

1. Administration of Medication means any one of the following activities: handling, storing, preparing or pouring of medication; conveying it to the student according to the medication order; observing the student inhale, apply, swallow, or self-inject the medication, when applicable; documenting that the medication was administered; and counting remaining doses to verify proper administration and use of the medication.
2. Advanced practice registered nurse means an individual licensed pursuant to Section 20-94a of the Connecticut General Statutes.
3. Authorized prescriber means a physician, dentist, optometrist, advanced practice registered nurse or physician assistant and, for interscholastic and intramural athletic events only, a podiatrist.
4. Before-and-after school program means any child care program operated and administered by a local or regional board of education or municipality exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes. Such programs shall not include public or private entities licensed by the Office of Early Childhood or board of education enhancement programs and extra-curricular activities.
5. Board of Education means a local or regional board of education, a regional educational service center, a unified school district, the regional vocational-technical school system, an approved private special education facility, the Gilbert School, the Norwich Free Academy, Woodstock Academy or a non-public school whose students receive services pursuant to Section 10-217a of the Connecticut General Statutes.
6. Cartridge injector means "cartridge injector" as defined in Section 10-212a of the Connecticut General Statutes.
7. Coach means an "athletic coach" as defined in Section 10-222e of the Connecticut General Statutes.
8. Commissioner means the Commissioner of Education or any duly authorized representative thereof.
9. Controlled drugs means "controlled drugs" as defined in Section 21a-240 of the Connecticut General Statutes.
10. Cumulative health record means the cumulative health record of a pupil mandated by Section 10-206 of the Connecticut General Statutes.

11. Dentist means a doctor of dentistry licensed to practice dentistry in Connecticut pursuant to Chapter 379 of the Connecticut General Statutes, or licensed to practice dentistry in another state;
12. Department means the Connecticut State Department of Education or any duly authorized representative thereof.
13. Director means the person responsible for the operation and administration of a school readiness program or before-and-after school program.
14. Eligible student means a student who has reached the age of eighteen or is an emancipated minor.
15. Error means:
  - a. Failure to do any of the following as ordered:
    - i. Administer a medication to an identified student
    - ii. Administer medication within the time designated by the prescribing practitioner
    - iii. Administer the specific medication prescribed for an identified student
    - iv. Administer the correct dosage of medication,
    - v. Administer medication by the proper route and/or
    - vi. Administer the medication according to generally accepted standards of practice or
  - b. Administration of a medication to a student which is not ordered, or which is not authorized in writing by the parent or guardian or such student, except for the administration of epinephrine for the purpose of emergency first aid pursuant to Section 10-212a of the Connecticut General Statutes and subsection (e) of the Section 10-212a-2 of the Regulation of Connecticut State Agencies.
16. Extracurricular activities mean activities sponsored by local or regional boards of education that occur outside the school day, are not part of the educational program, and do not meet the definition of before-and-after school programs and school readiness programs.
17. Guardian means one who has the legal authority and obligations of guardianship of the person of a minor, and includes:
  - a. The obligation of care and control, and
  - b. The authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.
18. Intramural athletic events means tryouts, competition, practice, drills, and transportation to and from events that are within the bounds of a school district for the purpose of providing an opportunity for students to participate in physical activities and athletic contests that extend beyond the scope of the physical education program.
19. Interscholastic athletic events means events between or among schools for the purpose of providing an opportunity for students to participate in competitive contests which are highly organized and extend beyond the scope of intramural programs and includes tryouts, competition, practice, drills, and transportation to and from such events.
20. Investigational drug means any medication with an approved investigational new drug (IND) application on file with the Food and Drug Administration (FDA) which is being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.
21. Licensed athletic trainer means a licensed athletic trainer employed by the school district pursuant to Chapter 375a of the Connecticut General Statutes.
22. Medication means any medicinal preparation including over-the-counter, prescription and controlled drugs, as defined in Section 21a-240 of the Connecticut General Statutes.
23. Medication emergency means a life-threatening reaction of a student to a medication.
24. Medication plan means a documented plan established by the school nurse in conjunction with the parent and student regarding the administration of medication in school. Such plan may be a stand-alone plan, part of an individualized health care plan, an emergency plan, or a medication administration form.

25. Medication order means the written direction by an authorized prescriber for the administration of medication to a student which shall include the name of the student, the name and generic name of the medication, the dosage of the medication, the route of administration, the time of administration, the frequency of administration, the indication for medication, any potential side<sup>3</sup> effects including overdose or missed dose of the medication, the start and termination dates not to exceed a 11-months period and the written signature of the prescriber.
26. Nurse means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut pursuant to Chapter 378 of the Connecticut General Statutes.
27. Occupational therapist means an occupational therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376a of the Connecticut General Statutes.
28. Optometrist means an optometrist licensed to provide optometry pursuant to Chapter 380 of the Connecticut General Statutes.
29. Paraprofessional means a health care aide or assistant or an instructional aide or assistant employed by the local or regional board of education who meets the requirements of such board for employment as a health care aide<sup>3</sup> or assistant or instructional aide or assistant.
30. Physical therapist means a physical therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General Statutes.
31. Physician means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut pursuant to Chapters 370 and 371 of the Connecticut General Statutes, or licensed to practice medicine in another state.
32. Physician assistant means an individual licensed to prescribe medications pursuant of Section 20-12d of the Connecticut General Statutes.
33. Podiatrist means an individual licensed to practice podiatry in Connecticut pursuant to Chapter 375 of the Connecticut General Statutes.
34. Principal means the administrator in the school.
35. Qualified medical professional means "qualified medical professional," as defined in Section 10-212a of the Connecticut General Statutes; a physician licensed under Chapter 370, an optometrist licensed to practice optometry under Chapter 380, an advanced practice registered nurse licensed to prescribe in accordance with Section 20-94a or a physician assistant licensed to prescribe in accordance with Section 20-12d.
36. Qualified personnel for schools means (a) a full-time employee who meets the local or regional board of education requirements as a principal, teacher, occupational therapist or physical therapist and has been trained in the administration of medication in accordance with Section 10-212a-3 of these regulations; (b) a coach and licensed athletic trainer who has been trained in the administration of medication pursuant to Section 10-212a-8 of these regulations; or (c) a paraprofessional who has been trained in the administration of medication pursuant to Section 10-212a-9 of these regulations. For school readiness programs and before-and-after school programs, directors or director's designee, lead teachers, and school administrators who have been trained in the administration of medication may administer medications pursuant to Section 10-212a-10 of these regulations.
37. Qualified school employee means a principal, teacher, licensed athletic trainer, a licensed occupational or physical therapist employed by a school district, coach or school paraprofessional as defined in Connecticut General Statutes 10-212a.
38. Research of study medications means FDA approved medications being administered according to an approved study protocol. A copy of the study protocol shall be provided to the school nurse along with the<sup>3</sup> name of the medication to be administered and the acceptable range of doses of such medication to be administered.
39. School means any educational program which is under the jurisdiction of the board of education, excluding extracurricular activities.
40. School medical advisor means a physician appointed pursuant to Section 10-205 of the Connecticut General Statutes.
41. School nurse means a nurse appointed pursuant to Section 10-212 of the Connecticut General Statutes.
42. School nurse supervisor means the nurse de<sup>3</sup>signated by the local or regional board of education as the supervisor or, if no designation has been made by the board, the lead or coordinating nurse assigned by the board.

43. School readiness program means a program that receives funds from the State Department of Education for a school readiness program pursuant to subsection (b) the Section 10-16p of the Connecticut General Statutes and exempt from licensure by the Department of Public Health pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes.
44. Self-administration of medication means the control of the medication by the student at all times and is self managed by the student according to the individual medication plan.
45. Supervision means the overseeing of the process of the administration of medication in school.
46. Teacher means a person employed full time by a board of education who has met the minimum standards as established by that board of education for performance as a teacher and has been approved by the school medical advisor and school nurse to be designated to administer medications pursuant to Sections 10-212a-1 through 10-212a-7 of the Regulations of Connecticut State Agencies.

#### **General Procedures on the Administration of Medication by a Qualified School Nurse and Qualified School Personnel**

Prescribed medications may be administered by a qualified school nurse or, in the absence of a licensed nurse, qualified personnel for schools.

- A. Medication shall be administered only 1) when there is a written order from an authorized prescriber, 2) written authorization from a parent or guardian or eligible student, 3) written permission of the parent or guardian for the exchange of information between the prescriber and the school nurse to ensure the safe administration of such medications.
- B. Prescribed medication shall be administered to and taken by only the person for whom the prescription has been written.
- C. Qualified school personnel may administer oral, topical, intranasal or inhalant medication only after proper training in the administration of medication. Investigational drugs or research or study medications may not be administered by qualified personnel for schools.
- D. Medications, including medication administered with a cartridge injector may only be administered by qualified school personnel or paraprofessionals to student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death, if they have been properly trained in the administration of a cartridge injector.
- E. Coaches and licensed athletic trainers may administer medications during intramural and interscholastic events for select students for whom self-administration plans are not viable only for 1) inhalant medications required to treat respiratory conditions and 2) medications administered by cartridge injector for students with a medically diagnosed allergic condition.
- F. Investigational drugs, research or study medications can only be administered by a qualified school nurse.
- G. All controlled drugs currently listed in Schedule II through V of the Regulations of Connecticut State Agencies, Section 21a-24b38 through 21a-243-11 may be administered in school.
- H. Prior to each medication administration, the following five "Rs" must be checked:

Right Start: Student will independently state name for the qualified nurse or qualified school personnel administering the medication. If there remains any question as to the student's identity or if the student is non-verbal, identity must be verified by picture identification or by verbal confirmation from the classroom teacher.

1. Right Student
2. Right medication
3. Right dosage
4. Right time
5. Right route

- I. The following emergency information will be available in each health office in the event of a medication emergency:
  - a. Poison control number: 1-800-222-1222
  - b. Student's healthcare provider phone number
  - c. Person responsible for decision-making in the absence of the school nurse

#### **Training in the administration of Medication by School Personnel**

- A. Qualified school personnel who will administer medications in the absence of a school nurse, shall be trained in the correct method of administration, safe handling, storage, and documentation of medication administration.

- B. Training of qualified school personnel shall include specific information related to each student's medication and each student's medication plan including the name and generic name of the medication, indications for medication, dosage, routes, time and frequency of administration, therapeutic effects of the medication, potential side effects, overdose or missed dose of the medication, and when to implement emergency interventions.
- C. Training shall be conducted at least annually by the school nurse or medical advisor. Such training shall be annually reviewed and updated. A list of trained personnel will be maintained by the Board of Education.
- D. Documentation of administration of medication training shall be maintained and include 1) dates of training, 2) content of training, 3) individuals who have successfully completed medication training for the current year and, 4) names and credentials of nurse trainer or trainers.
- E. Qualified school employees who administer epinephrine as emergency first aid to students who experience allergic reactions and who do not have prior written authorization of a parent or guardian or written order of a qualified medical professional for the administration of epinephrine shall annually complete the training program developed by the Departments of Education and Public Health in consultation with the School Nurse Advisory Council. (Public Act 14-176)

## **Supervision**

The school nurse is responsible for the general supervision of the administration of medications by qualified school personnel who have been designated to administer medication. The duty of supervision includes but is not limited to the following:

The school nurse shall be available to train and review all aspects of medication administration with qualified school personnel and other nursing personnel on a regular basis. The school nurse will:

- A. Provide training to qualified school personnel and other nursing personnel on an annual basis and assess that these persons are qualified and competent to administer medications.
- B. Review with personnel responsible for administering medications:
  - a. Proper handling and storage of medications;
  - b. Proper documentation
  - c. The communication system developed to address:
    - i. Questions about medication
    - ii. Any change in behavior or physical status of the student to whom medication is administered
    - iii. Any error in the administration of medication
    - iv. Changes in appearance of medication
    - v. Failure of a student to comply with the medication protocol
- C. Be responsible for
  - a. Observing qualified school personnel giving medication for the first time and providing appropriate follow up at least twice yearly, to assure continued competence.
  - b. Reviewing all documentation of medications on a monthly basis.
  - c. Observing the effects of medication, especially medication given to alter classroom behavior
  - d. Communicating with the prescribing physician/authorized medical prescriber, as needed.
- D. Conduct periodic reviews, as needed, with licensed nursing personnel and qualified school personnel regarding the needs of any student receiving medications.
- E. Complete the following tasks prior to a student receiving medication in school:
  - a. Review the medication authorization form
  - b. Check the medication bottle for the proper labeling
  - c. Check the contents of the bottle to be sure it is the proper medication and document the amount of medication on the medication log

d. Initiate the individual medication log

e. Set up the schedule for giving the medication

f. Communicate the medication schedule to the person responsible for administering the medication, the teacher and the student

F. Provide consultation by telephone or any other means of telecommunication with the student's parent or guardian, as necessary. In the absence of a school nurse, an authorized prescriber or other nurse may provide this consultation.

### **Self Administration of Medications**

The Board of Education shall permit those students who have a verified chronic medical condition and are deemed capable of self administer prescribed emergency medication, including rescue asthma inhalers and cartridge injectors for medically diagnosed allergies to self administer such medication, and may permit students to self administer other medications as defined in section 10-212a-4 of the Regulations of Connecticut State Agencies, provided:

A. An authorized prescriber provides a written medication order including the recommendation for self administration.

B. Written permission is provided by the parent or guardian or eligible student, allowing for self administration.

C. The school nurse has evaluated the situation and determined that self administration is safe and appropriate, documenting in the student's cumulative health record that the student:

a. Is capable of identifying and selecting the appropriate medication by size, color, amount or other label identification

b. Knows the frequency and time of day the medication is to be administered

c. Can identify the presenting symptoms that require medication

d. Administers the medication appropriately

e. Maintains safe control of the medication at all times

f. Seeks adult supervision whenever warranted

g. Cooperates with the medication plan

D. The school nurse has reviewed the medication order and parental authorization, developed an appropriate plan for self administration, including provisions for general supervision, and documented the plans in the student's health record. The plan will be shared with the principal and teacher(s) as appropriate.

E. Medication is transported by the student to the school and maintained under the student's control at all times.

F. Self administration of controlled substances, as defined in section 10-212a-1 of the Regulations of Connecticut State Agencies, may be considered for extraordinary situations, such as international field trips, and will be approved by the coordinator of health services and medical advisor in advance and an appropriate plan will be developed.

G. In the case of inhalers for asthma and cartridge injectors for medically diagnosed allergies[GV1], the school nurse's review of a student's competency to self administer inhalers for asthma and cartridge injectors for medically diagnosed allergies in the school setting shall not be used to prevent a student from retaining and self administering inhalers for asthma and cartridge injectors for medically diagnosed allergies. Students may self administer medication with only the written authorization of an authorized provider and written authorization from a parent or guardian or eligible student.

H. Student is advised regarding Board of Education Policy for medication administration. (Legal Reference: Connecticut General Statutes 10-212a-4)

### **Handling, Storage and Disposal of Medications**

A. All medications, except those approved for self-medication and epinephrine to be used for the purpose of emergency first aid to students who do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine, shall be delivered by the parent, guardian, or other responsible adult to the school nurse, or in the absence of such nurse, other qualified school personnel for schools trained in the administration of medication and assigned to the school.

B. The nurse shall examine on-site any new medication, medication order and parent authorization and, except for epinephrine to be used for the purpose of emergency first aid to student who do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine, develop an

administration medication plan for the student before any medication is administered by any school personnel.

- C. The school nurse shall review all medication refills with the medication order and parent authorization prior to the administration of medication, except for epinephrine intended for emergency administration to students who do not have a written prior authorization order.
- D. All medications shall be properly stored as follows:
  - a. Except as otherwise determined by a student's emergency care plan, emergency medications shall be stored in an unlocked, clearly labeled and readily accessible cabinet or container in the health room during school hours under the general supervision of the school nurse, or in the absence of the school nurse, the principal or principal's designee who has been trained in the administration of medication.
  - b. Emergency medications will be locked beyond the regular school day or program hours, except as determined by the emergency care plan.
  - c. All other non-controlled medications, except those approved for self-medication, shall be kept in a designated locked container, cabinet, or closet used exclusively for the storage of medication.
  - d. In the case of controlled substances, they shall be stored separately from other medications in a separate, secure, substantially constructed, locked metal or wood cabinet pursuant to Section 21a-262-8 of the Regulations of Connecticut State Agencies.
- E. Access to all stored medications shall be limited to persons authorized to administer medications. Each school or before-and-after school program and school readiness program shall maintain a current list of those persons authorized to administer medications.
- F. All medications, prescription and non-prescription, shall be delivered and stored in their original containers.
- G. At least two sets of keys for the medication containers or cabinets shall be maintained for each school building or before-and-after school program and school readiness program. One set of keys shall be maintained under the direct control of the school nurse or nurses and an additional set shall be under the direct control of the principal and, if necessary, the program director or lead teacher who has been trained in the general principles of the administration of medication shall also have keys.
- H. Medications requiring refrigeration shall be stored as follows:
  - a. In a refrigerator no less than 36 °F and no more than 46°F
  - b. The refrigerator shall be located in a health office that is maintained for health services purposes with limited access
  - c. Non-controlled medications may be stored directly on the shelf of the refrigerator with no further protection needed
  - d. Controlled medications shall be stored in a locked box which is affixed to the refrigerator shelf.
- I. All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian, or if the medication cannot be returned to the parent or guardian, the medication shall be destroyed in collaboration with the school nurse.
  - a. Non-controlled drugs shall be destroyed in the presence of at least one (1) witness.
  - b. Controlled drugs shall be destroyed pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies
  - c. Accidental destruction or loss of controlled drugs must be verified in the presence of a second person, including confirmation of the presence or absence of residue and jointly documented on the student medication administration record and on a medication error form pursuant to Section 10-212a(b) of the Connecticut General Statutes. If no residue is present, notification must be made to the Department of Consumer Protection (DCP) pursuant to Section 21a-262-3 of the Regulations of the Connecticut State Agencies.
- J. No more than a three-month supply of a medication for a student shall be stored at the school.
- K. No medication for a student shall be stored at a school without a current written order from an authorized prescriber.  
(Legal Reference: Connecticut General Statutes 10-212a-5)

#### **Documentation and Record Keeping**

- A. Each school or before-and-after school program and school readiness program where medications are administered shall maintain a medication administration record for each student who receives medication during school hours.

Medication administration records shall include:

- a. Name of student
- b. Name of medication
- c. Dosage of medication
- d. The dose or amount of medication administered
- e. Route of administration
- f. Frequency of administration
- g. Name of authorized prescriber
- h. The dates for initiating and terminating the administration of the medication including extended year programs
- i. The quantity received, verified by the adult delivering the medication
- j. The date the medication is to be reordered
- k. Any student allergies to food and/or medicine
- l. The full written or electronic legal signature of person administering medication
- m. For controlled medications, a medication count should be conducted and documented at least once a week and co-signed by the assigned nurse and a witness.

- B. Transactions shall either be recorded in ink and shall not be altered or shall be recorded electronically in a record that cannot be altered.
- C. The medication administration record shall be made available to the department for review until destroyed pursuant to the Section 11-8a and Section 10-212a(b) of the Connecticut General Statutes for controlled medications.
- D. The completed medication administration record for non-controlled medications, at the discretion of the school district, may be destroyed in accordance with Section M8 of the Connecticut Municipality Record Retention Schedule so long as it is superseded by a summary on the student health record.
- E. The completed medication administration record for controlled medications shall be maintained in the same manner as the non-controlled medications. In addition, a separate medication administration record needs to be maintained in the school for three years pursuant to Section 10-212a(b) of the Connecticut General Statutes.
- F. The written order of the authorized prescriber, the written authorization of the parent or guardian to administer the medication, and the written parental permission for the exchange of information by the prescriber and school nurse to ensure the safe administration of such medication shall be filed in the student's cumulative health record, for before-and-after school programs and school readiness programs, in the child's program record.
- G. An authorized prescriber's verbal order, including a telephone order, for a change in any medication order can be received only by a school nurse. Any such verbal order shall be followed by a written order, which may be faxed, and shall be received no later than three (3) school days.

#### **Procedure for Errors in the Administration of Medication**

- A. Medication Error Definition:
  - a. Failure to do any of the following as ordered:
    - i. Administer the medication to the student
    - ii. Administer medication within the time designated by the authorized prescriber
    - iii. Administer the specific medication prescribed for a student
    - iv. Administer the correct dosage of medication
    - v. Administer the medication by the proper route

vi. Administer medication according to generally accepted nursing practice or pharmacological standard

- b. Administration of a medication to a student which is not ordered or which is not authorized in writing by the parent or guardian of such student.

B. In the event of a medication administration error, the following protocol shall be followed:

- a. Determine the potential for injury
- b. Call 911 if indicated
- c. Call the Poison Control Center if applicable (1-800-222-1222)
- d. Follow directions of Poison Control, document who spoke, time the call was made, directions that were given, and actions that were taken
- e. Any such error shall be reported immediately to the school nurse, the health services coordinator, the authorized prescriber, and the parent or guardian.
- f. Monitor the student until EMS arrives, if applicable
- g. Complete the Medication Error Report
- h. Any error in the administration of a medication shall be documented in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.

#### **Medication to Be Administered on Field Trips**

- A. The school nurse may prepare a single dose of medication, place it in a appropriate labeled envelope and give it to the qualified school personnel designated to administer the medication during a field trip.
- B. Proper training guidelines for administration of medications apply
- C. The qualified school personnel who administer the single dose of medication must document this on the student's medication administration record.
- D. Any medication transported on a field trip will be stored in a safe manner, under the supervision of the person who will administer the medication.

#### **Administration of Medications by Coaches and Licensed Athletic Trainers during Intramural and Interscholastic Events**

During intramural and interscholastic events, a coach or licensed athletic trainer may administer medication for select students for whom self administration plans are not viable options as determined by the school nurse for inhalant medications prescribed to treat respiratory conditions and medications administered with a cartridge injector for students with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death provided the following requirements have been met:

- A. The coach or licensed athletic trainer shall be trained in:
  - a. The general principles of the administration of medication applicable to receiving, storing, and assisting with inhalant medications or cartridge injector medications, and documentation
  - b. Student specific needs for assistance according to the individualized medication plan
- B. The school nurse shall provide a copy of the authorized prescriber's order and the parent permission form to the coaches
- C. The parent or guardian shall provide to the coach or licensed athletic trainer the medication in accordance with provision of Section 10-212a-5 (a) through (d) of the Regulations of Connecticut State Agencies. The medication provided to the coach or licensed athletic trainer, such as the inhaler or cartridge injector, shall be separate from the medication stored in the school health office for use during the school day.
- D. The coach or licensed athletic trainer shall agree to the administration of emergency medication and shall implement the emergency care plan
- E. Medications to be used in athletic events shall be stores:
  - a. In containers for the exclusive use of holding medications
  - b. In locations that presser the integrity of the medication

c. Under the general supervision of the coach or licensed athletic trainer trained in the administration of medication

d. In a locked secure cabinet when not in use at athletic events

F. Errors in the administration of medication by a coach or licensed athletic trainer shall be addressed in the same manner as other medication errors. If the school nurse is not available, a report may be submitted by the coach or licensed athletic trainer to the school nurse on the next school day.

G. Documentation of any administration of medication by a coach or licensed athletic trainer shall be completed on a separate medication administration form maintained in the athletic department.

H. Administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time but not later than the next school day. All other medication administration shall be reported to the school nurse at least monthly.

I. The administration of medication record shall be submitted to the school nurse at the end of each sport season and filed in the student's cumulative health record.

#### **Administration of Medication by a Paraprofessionals**

Paraprofessionals, in the absence of a school nurse, may only administer medications to a specific student in order to protect that student from harm or death due to a medically diagnosed allergic condition according to the following:

A. With approval by the school medical advisor and school nurse, in conjunction with the school nurse supervision, and under the supervision of the school nurse

B. With a proper medication authorization for the authorized prescriber, according to Section 10212a of the Connecticut General Statutes

C. With parental permission to administer the medication in school, according to Section 10212a of the Connecticut General Statutes

D. Only medications necessary for prompt treatment of an allergic reaction including, but not limited to, a cartridge injector

E. With proper training and supervision from the school nurse which shall include all of the elements outlined in Sections 10-212a-3 and 10-212a-7 of the Regulations of Connecticut State Agencies.

#### **Administration of Medication in School Readiness Programs and Before-and-After School Programs**

For school readiness programs and before-and-after school programs which are exempt from licensure by the Department of Public Health:

A. On an annual basis, the school readiness programs and before-and-after school programs administrators, in collaboration with the Coordinator of Health Services, will determine the level of nursing services needed to ensure the safe administration of medication within these programs.

B. Administration of medication shall only be provided when it is medically necessary for students to access the program and maintain their health status while participating in the program.

C. Directors or the director's designee, lead teacher, or school administrators may administer oral, topical, intranasal, or inhalant medications.

D. Training in medication administration shall be done by a licensed school nurse annually and will include all components of training of qualified school personnel who administer medication in school.

E. No medication shall be administered without 1) the written order of an authorized provider, 2) the written authorization of a parent or guardian or an eligible student.

F. With regard to self-administration of medication, school readiness and before and after school programs must follow the procedures in Section 10-212a-4 of the Regulation of Connecticut State Agencies.

G. Cartridge injector medications may be administered by a director, or director's designee, lead teacher, or school administrator only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.

H. Investigational drugs or research or study medication may not be administered by directors or director's designee, lead teachers or school administrators.

- I. Controlled drugs may be administered in school readiness or before-and-after school programs.
- J. Whenever possible, a separate supply of medication shall be properly stored at the site of the school readiness or before-and-after school program. In the event that a parent cannot supply a separate medication, provisions will be made by the school nurse to ensure the timely transfer of medication from the nurse's office to the program and back on a daily basis.
- K. Documentation of medication administration shall be recorded on administration of medication forms and maintained in the program until the end of the school year when it will be submitted to the school nurse and filed in the student's cumulative health record.
- L. Administration of a medication with a cartridge injector shall be reported to the school nurse at the earliest possible time, but not later than the next school day.
- M. All other instances of the administration of medication shall be reported to the school nurse according to the student's individual plan or at least on a monthly basis.
- N. The administration of medication record shall be submitted to the school nurse at the end of each school year and filed in the student's cumulative health record.
- O. Supervision of the administration of medication in school readiness programs and before-and-after school programs shall be conducted in accordance with Section 10-212a-7 of the Regulations of Connecticut State Agencies.

#### **Administration of Glucagon**

- A. With the written authorization of a student's parent or guardian, and pursuant to a written order of the student's physician licensed under chapter 370, a school nurse or a school principal shall select and a school nurse shall provide general supervision to a qualified school employee to administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death.
- B. Such authorization shall be limited to situations when the school nurse is absent or unavailable.
- C. No qualified school employee shall administer glucagon unless:
  - a. Such qualified school employee annually completes any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon
  - b. The school nurse and school medical advisor have attested in writing that such qualified school employee has completed such training
  - c. Such qualified school employee voluntarily agrees to serve as a qualified school employee
- D. "Injectable equipment used to administer glucagon" means an injector or injectable equipment used to deliver glucagon in an appropriate dose for emergency first aid response to diabetes.
- E. For the purposes of emergency medication administration of glucagon, a "qualified school employee" means a principal, teacher, licensed physical or occupational therapist employed by a school district, coach, licensed athletic trainer, or school paraprofessional.(Legal Reference Public Act 15-215)

#### **Administration of Antiepileptic Medication**

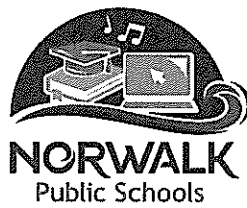
- A. With the written authorization of a student's parent or guardian and pursuant to the written order of a physician licensed under Chapter 370, a school nurse and school medical advisor shall select and a school nurse shall provide general supervision to a qualified school employee to administer antiepileptic medication, including by rectal syringe, to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan.
- B. Such authorization shall be limited to situations when a school nurse is absent or unavailable.
- C. No qualified school employee shall administer antiepileptic medication unless
  - a. Such qualified school employee completes the training program developed by the Department of Education in consultation with the School Nurse Advisory Council (Connecticut General Statutes 10-212f)
  - b. The school nurse and school medical advisor have attested in writing that such qualified school employee has completed such training
  - c. Such qualified school employee receives monthly reviews by the school nurse to confirm such qualified school employee's competency to administer antiepileptic medication

d. Such qualified school employee voluntarily agrees to serve as a qualified school employee

D. For purposes of this subsection, a “qualified school employee” means a principal, teacher, licensed physical or occupational therapist employed by a school district, licensed athletic trainer, coach, or school paraprofessional.

**Emergency Administration of Epinephrine Cartridge Injectors as Emergency First Aid to Students Who Do Not Have Prior Written Authorization**

- A. A school nurse or, in the absence or unavailability of a school nurse, a qualified school employee shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions and do not have a prior written authorization of a parent or guardian or prior written order of a qualified medical professional for the administration of epinephrine. Each school must maintain a supply of epinephrine cartridge injectors for this purpose.
- B. A school nurse or school principal shall select qualified school employees to administer such epinephrine and there shall be at least one such qualified school employee on school grounds during regular school hours in the absence of a school nurse.
- C. Administration of epinephrine by a qualified school employee shall be limited to situations when the school nurse is absent or unavailable.
- D. Handling, storage, disposal of epinephrine cartridge injectors and documentation of administration shall be in accordance with district procedures.
- E. No qualified school employee shall administer epinephrine under this subdivision unless such qualified school employee annually completes the training program developed by the Department of Education and Public Health as described in the Connecticut General Statutes 10-212g with training in cardiopulmonary resuscitation and first aid.
- F. Selected eligible qualified school employees must voluntarily agree to serve and be trained as a qualified school employee.
- G. The parent or guardian of a student may submit in writing to the school nurse and school medical advisor that epinephrine shall not be administered to their student under this subdivision. The notice will be valid for one school year if submitted prior to the start of the school year or for the remainder of the school year in which the notice is provided. The District will notify parents and guardians of the need to provide such written notice on the District website.
- H. Trained qualified school employees who will administer epinephrine cartridge injectors under this statute will be notified by the school nurse of students whose parent or guardian has refused the emergency administration of epinephrine by written notice as described above. A written list of such student names whose parent or guardian has opted out of emergency epinephrine administration by a qualified school employee will be posted on the inside of the emergency epinephrine storage box.
- I. For the purposes of this subsection, a “cartridge injector” means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.
- J. A “qualified school employee” means a principal, teacher, licensed physical or occupational therapist employed by a school district, licensed athletic trainer, coach, or school paraprofessional.



Book	Policy Manual
Section	5000 - Students
Title	Psychotropic Drug Use
Code	5141.231
Status	Retired
Adopted	October 2, 2001
Retired	June 14, 2022

### **PSYCHOTROPIC DRUG USE**

In conformity with state statute, the Norwalk Board of Education prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system.

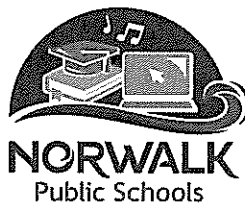
However, members of the school medical staff, including school nurse, many recommend that an appropriate medical practitioner evaluate a student. Further, upon the consent of the student's parents or guardian, school personnel may consult with the medical practitioner regarding such use.

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

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

Legal	P.A. 01-124: An Act Concerning Recommendations For and Refusal of the Use Psychotropic Drugs by Children and Utilization Review Determinations related to Mental and Nervous Conditions. 46b-120, Definitions
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Cross References	<u><a href="#">5141.04 - Child Abuse/Neglect</a></u>
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Book	Policy Manual
Section	5000 - Students
Title	Students with Special Health Care Needs
Code	5141.25
Status	Retired
Adopted	February 4, 2008
Retired	June 14, 2022

### **STUDENTS WITH SPECIAL HEALTH CARE NEED**

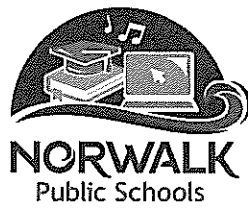
**Purpose:** To ensure that students who have special health care needs due to chronic and acute health conditions receive supports and services necessary to remain safe and, to the extent possible, maintain their baseline health status during school.

**Definition:** "Students with specialized health care needs" refers to those students who have a medically diagnosed chronic health condition such as asthma, diabetes, life threatening food allergy, cardiac abnormality, juvenile arthritis, celiac disease, migraine headache, seizures, or a significant acute illness or injury requiring treatment and a period of recovery, such as mononucleosis, Lyme disease, and a fractured arm or leg. The term may also include students with mental health conditions, such as situational depression and anxiety disorder, when the school team and family agree that an individualized health care plan is an appropriate mechanism for providing support and interventions in school. The term "special health care needs" is broader than and not synonymous with either "disability" or "illness".

#### **Goals:**

1. To protect the safety and maintain the health of children who have special health care needs in ways that: are developmentally appropriate; provide appropriate educational opportunities; focus on prevention of health complications and learning interruptions; and promote independence, self-advocacy and competence in self-care.
2. To ensure that interventions and individualized health care plans for students with special health care needs are based on medically accurate information, evidence-based practices, district policy and procedures, and collaboration among the school team, students, families and health care providers.
3. To define a formal process for identifying, managing, and ensuring continuity of care from grade to grade and school to school for students with special health care needs.

Legal	52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. PA 05-144 and 05-272 An Act Concerning the Emergency Use of Cartridge Injectors 10-220i- Transportation of Students carrying cartridge injectors. 10-212a-Administration of Medication in Schools PA-05-104 An Act Concerning Food Allergies and the Prevention of Life Threatening incidents in School.
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Book	Policy Manual
Section	5000 - Students
Title	Students with Special Health Care Needs Regulation
Code	5141.25-R
Status	Retired
Adopted	February 4, 2008
Retired	June 14, 2022

### **STUDENTS WITH SPECIAL HEALTH CARE NEEDS REGULATION**

In order to promote the health, safety and learning of students with chronic and certain acute health conditions, school district staff shall:

1. Actively search for and identify students with special health care needs who may benefit from having an individualized health care plan and or emergency care plan in place to address health and safety needs for school attendance.
2. Provide information to students and their families regarding the school district's policy and procedures for addressing students' special health care needs in school.
3. Collaborate with students and families to develop an individualized health care plan (IHCP) for those students identified as requiring health services and/or regular education accommodations in order to maintain their health and safety in school.
4. As part of the IHCP, develop and distribute to the appropriate staff an individualized emergency care plan (IECP) for students at high risk for a health or safety emergency in school.
5. As part of the IHCP, develop and provide to the transportation coordinator an individualized transportation plan (ITP) for students at high risk for an emergency during transportation to and from school.
6. Consider information from students' health care providers in developing IHCP, IEPs and ITPs.
7. Consider whether a student with special health care needs may also be eligible for services under Section 504 or the Individuals with Disabilities Education Improvement Act, and refer accordingly.
8. Follow the district's plan for establishing and updating IHCPs. This plan requires that:
  - a. An annual meeting, to which the parents are invited (and student as appropriate), is provided to develop and review the IHCP and any of its components.
  - b. School representatives at the meeting shall minimally include the principal or other administrator, school nurse, and classroom teacher or teacher representative. Additionally, a school psychologist and counselor shall attend as appropriate.
  - c. The annual meeting for students transitioning from one school to another will be held in the spring before the transition with appropriate representatives from both schools. If only one administrator can attend, it should be an administrator from the school which the student will attend the following fall.
  - d. The school nurse, prior to the annual meeting, will collaborate with the family and student's health care provider(s), to gather relevant medical information, including treatment protocols and authorization forms. With this information, the school nurse will initiate, for consideration at the meeting, a draft IHCP and, if indicated, a draft IECP

and ITP.

e. Additional meetings of the parent and school staff occur when there are significant changes in the student's health status and health needs in school.

f. The parent will be provided a copy of the plan developed/reviewed at the student's annual meeting, as well as copies of any updates to the plan.

9. Student specific goals and services and accommodations considered for an IHCP will be based on scientific knowledge, current medical and nursing standards of practice, the needs, developmental stage of the student, the student's readiness for increased independence in the school setting, the needs of other students, and the policies and procedures of the school district.

#### Legal

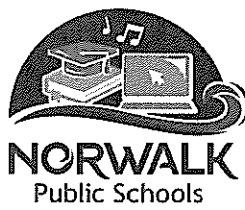
52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection.

PA 05-144 and 05-272- An Act Concerning the Emergency Use of Cartridge Injectors.

10-220i- Transportation of Students carrying cartridge injectors.

10-212a- Administration of Medication in Schools

PA-05-104 An Act Concerning Food Allergies and the Prevention of Life threatening incidents in School



Book	Policy Manual
Section	5000 - Students
Title	Service Animals
Code	5141.26
Status	Retired
Adopted	March 6, 2012
Retired	June 14, 2022

### **SERVICE ANIMALS**

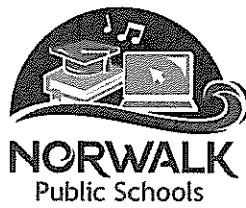
The District is cognizant of its obligations under the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, and as further amended from time to time (collectively, with all applicable federal regulations implementing said law, the "ADA").

A students or staff member who is "disabled" (as defined by the ADA) and who utilizes the services of a "service animal" (as defined by the ADA) shall be entitled to the use and accompaniment of such service animal (i) in any facility, building, classroom, grounds or property of the District, (ii) in any transportation service provided (in whole or in part) by the District and (iii) in and during any activity sponsored in whole or in part by the District (including, but not limited to, any school, student organization, team, club or parent organization).

Without limiting the rights afforded a disabled person by federal and (where applicable) state law: (i) the District shall not assume or take custody or control of, or responsibility for, the care or feeding of any service animal, which shall remain the responsibility of the owner or person having custody and control of the animal (or, in the case of a student, the student's parent or legal guardian); (ii) the owner or person having custody and control of the animal (or, in the case of a student, the student's parent or legal guardian) shall be liable for any damage to persons, premises, property, or facilities caused by the service animal; and (iii) all service animals shall be properly trained and housebroken and shall not pose any immediate risk to any other parties to whom the District owes a responsibility for their safety.

The Superintendent, or designee, shall be authorized to provide guidance to teachers, principals and staff to facilitate the full integration of a disabled student and that student's service animal into the school community. . The Superintendent, or designee, is authorized to promulgate a form by which the parent or guardian of a disabled student acknowledges the application of this regulation and agrees to be bound thereby.

Legal	Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 (42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611), and associated regulations of the Department of Justice.
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Book	Policy Manual
Section	5000 - Students
Title	Relations with Non-Custodial Parents Regulation
Code	5142.01-R
Status	Retired
Adopted	September 10, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022
Prior Revised Dates	09/20/1985;

#### **RELATIONS WITH NON-CUSTODIAL PARENTS REGULATION**

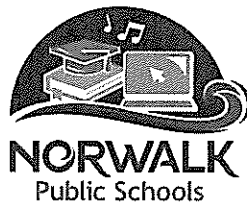
Relations with non- custodial parents wanting to contact, visit or request information from the school concerning their child or children shall be handled as follows:

1. A non-custodial parent does not relinquish his/her right to inquire about the health, safety or progress of the child unless there is some legal document on file in the school stating the restriction.

The school cannot deny information regarding health, safety and education of a child in school to a non-custodial parent.

2. A non-custodial parent or individual CANNOT BE ALLOWED to remove the child from the school without written permission from the custodial parent and with a phone call verification.

If a child is removed without the school's permission, the custodial parent should be called, as well as the police and the superintendent or designee.



Book	Policy Manual
Section	5000 - Students
Title	School Resource Officer
Code	5142.04
Status	Retired
Retired	June 14, 2022

### **SCHOOL RESOURCE OFFICER**

In order to make schools more orderly, safer and secure, the district may utilize police officers to deliver security services as school resource officers (SROs).

The utilization of school resource officers in district schools is to accomplish the following goals:

- To provide a safe learning environment and help reduce school violence.
- To improve school/law enforcement collaboration.
- To improve perceptions and relations among students, staff and law enforcement officials.

Duties include, but are not limited to:

1. The observation and reporting of any unlawful act;
2. The prevention of theft or misappropriation of any item of value;
3. The control of access to premises being protected;
4. The maintenance of order and safety at public activities;
5. Protection of district property, students, staff and persons and property on or about district property or while attending district-sponsored activities.
6. Investigating and documenting specific incidents;
7. Assistance in identifying, intervening and communicating with at-risk students;
8. Provision of crime prevention education;
9. Promotion of a positive student attitude towards law enforcement;
10. Operating as a liaison between the community and the District.

The Superintendent of Schools will develop administrative regulations as necessary to implement this policy.

Cross References

5114 - Suspension/Expulsion; Exclusion/Removal

5131 - Student Conduct

5131.05 - Vandalism by Minors

5131.06 - Drugs, Tobacco, Alcohol

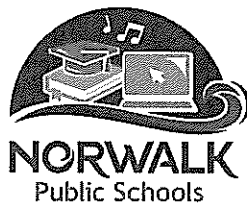
5131.07 - Weapons and Dangerous Instruments

5131.61 - Alcohol Use, Drugs, and Tobacco (including Performance Enhancing Substances)

5144 - Use of Reasonable Physical Force/Restraints

5145.11 - Questioning and Apprehension

5145.12 - Locker and Desk Searches



Book	Policy Manual
Section	5000 - Students
Title	Use of Reasonable Physical Force/Restraints
Code	5144
Status	Retired
Adopted	September 10, 1985
Last Revised	May 5, 2009
Retired	June 14, 2022

## **Discipline/Punishment**

### **USE OF REASONABLE PHYSICAL FORCE/RESTRAINTS**

The Board of Education believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, the Board recognizes that there are times when it becomes necessary for staff to use restraint to provide a safe environment for students.

Physical restraint is defined as any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan or individualized education program and is the least restrictive means available to prevent such self injury.

With the exception of special education students, restraint or any physical forces may only be utilized by staff members on students under the following circumstances:

1. Protect himself/herself or others from immediate physical injury.
2. Obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-340, upon or within the control of such student.
3. Protect property from physical damage.

Restrain such minor or remove such minor to another area, to maintain order.

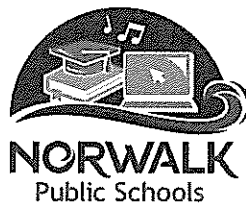
Corporal punishment is strictly prohibited.

In the case of students identified as eligible for special education services or who are in the process of referral for consideration of such eligibility, physical restraint may not be utilized except as specified in Procedures on the Use of Physical Restraint of Persons at Risk.

## **Seclusion**

Seclusion is defined as the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevent the person from leaving. In the case of students identified as eligible for special education services or who are in the process of being evaluated to determine such eligibility, seclusion may not be utilized except as specified in Procedures on the Use of Seclusion of Persons at Risk.

Legal Connecticut General Statutes: 46a-150 through 46a-153; 53a-18 Public Act No. 07-147



Book	Policy Manual
Section	5000 - Students
Title	Use of Physical Force Regulation
Code	5144.01-R
Status	Retired
Adopted	June 26, 2018
Retired	June 14, 2022

## **USE OF PHYSICAL FORCE**

### **PHYSICAL RESTRAINT/SECLUSION**

The Board of Education (Board) seeks to foster a safe and positive learning environment for all students. In compliance with law, Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student, where harm to the student or others is immediate or imminent.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the Norwalk Public Schools. The Board/Superintendent mandates compliance with this regulation and the law at all times. Violations of this regulation by a school employee or other individual working at the direction of, or under the supervision of the Board may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes §10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6).

#### **I. Definitions**

- A. Life-threatening physical restraint means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- B. Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- C. Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.
- D. School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's

schools, pursuant to a contract with the Board of Education.

- E. Seclusion means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the person from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.
- F. Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but does not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services. A special education student, ages 18 to 21 inclusive, in a transition program is also covered by these regulations.
- G. Behavior Intervention: Supports and other strategies developed by the Planning and Placement Team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.

## **II. Procedures for Physical Restraint of Students**

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. No school employee shall use involuntary physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- C. No school employee shall use physical restraint on a student unless the school employee has received training in accordance with state law and District training plans.
- D. Physical restraint of a student shall never be used as a disciplinary measure, as a convenience, or instead of a less restrictive alternative.
- E. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- F. School employees are barred from placing a student in physical restraint until he or she has received training in its proper use.
- G. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.
- H. **Monitoring**
  - a. A trained school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by direct observation of the student, or by video provided the video monitoring occurs close enough for the monitor to provide assistance, if needed.
  - b. A trained school employee must regularly evaluate the person being restrained for signs of physical distress. The school employee must record each evaluation in the educational record of the student being restrained.

## **III. Procedures for Seclusion of Students**

- A. No school employee shall use involuntary seclusion on a student except as follows:
  - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  - 2. as specifically provided for in a student's behavioral plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.
- B. **Use of Seclusion**
  - 1. A school employee may not use seclusion to discipline a student, because it is convenient or instead of a less restrictive alternative.
  - 2. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area.
  - 3. Any room used for seclusion must:
    - a. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;

- b. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- c. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- d. be free of any object that poses a danger to the student who is being placed in the seclusion room;
- e. conform by applicable building code requirement and have a door with a lock if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:
  - i. the need to provide direct and immediate medical attention to the student;
  - ii. fire;
  - iii. the need to remove the student to a safe location during a building lockdown; or
  - iv. other critical situations that may require immediate removal of the student from seclusion to a safe location; and
- f. Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room.
- g. The monitoring of students in seclusion is to be done by direct observation from another room or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.
- h. Prior to including seclusion in the behavioral plan of a special education student, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for such student in an emergency situation, the PPT shall include the assessment data and other relevant information in the behavioral plan of the student as the basis upon which a decision was made to include the use of seclusion as a behavior intervention.
- i. When seclusion is included in the behavioral plan of a special education student and is used as a behavior intervention strategy more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention. At this PPT meeting, the team may consider whether additional evaluations or assessments are necessary to address the behavior of such student and may revise the behavioral plan as appropriate.
- j. Any period of seclusion (1) shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment and
- k. (2) shall not exceed 15 minutes, except that this may be extended for additional periods of up to 30 minutes each, if the Principal or his/her designee, school health or mental health professional, or board certified behavioral analyst trained in the use of restraint and seclusion determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Such authorization is to be placed in writing. Where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.
- l. School employees, must explore all less restrictive alternatives prior to using seclusion for a student as an emergency intervention unless seclusion is being used pursuant to the behavioral plan of the student.
- m. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for students.

- n. School employees are barred from placing a student in seclusion until he/she has received training in its proper use in accordance with state law and/or District- training plans.

#### **IV. Required Meetings**

##### **A. Students not Eligible for Special Education (and not being evaluated for eligibility for special education)**

1. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
  - a. conduct or revise a behavioral assessment of the student;
  - b. create or revise any applicable behavior intervention plan; and
  - c. determine whether such student may require a referral for consideration for special education.
2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

##### **B. Students Eligible for Special Education (and students being evaluated for eligibility for special education)**

In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, the student's PPT shall convene to:

1. conduct or revise a functional behavioral assessment ("FBA");
  2. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
  3. review or revise the student's IEP, as appropriate.
- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

#### **V. Use of Psychopharmacologic Agent**

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
1. As an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  2. As an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. The differences between permissible physical restraint and pain compliance techniques;
- D. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student; and
- E. Recording and reporting procedures on the use of physical restraint and seclusion.

#### **• Crisis Intervention Teams**

Annually, the District will identify a District level crisis intervention team who will provide training and support to the school level teams. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the Chief of Specialized Learning and Student Services and who has expertise in Behavior Management Strategies and trained in the use of physical restraint and seclusion.

The Crisis Intervention Team will respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on a regular basis consistent with the requirements of the approved training program but not less than once every 18 months. The Board shall maintain a list of the members of the district and school level crisis intervention team.

This policy and procedures is available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

#### **VIII. Documentation and Communication**

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documents on the form must include the following:
  1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
  2. a detailed description of the nature of the restraint or seclusion;
  3. the duration of the restraint or seclusion;
  4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
  5. whether the seclusion of a special education student was conducted pursuant to a behavioral support or educational plan.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
  1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
  2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Chief of Specialized Learning or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Chief of Specialized Learning, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
- E. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the st

Legal

10-76b State supervision of special education programs and services.

10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.

10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220)

10-76d Duties and powers of the boards of education to provide special education programs and services.

10-220 Duties of boards of education.

46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.

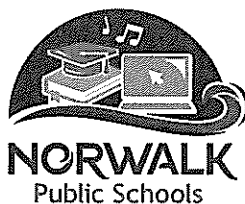
46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by P.A. 12-88)

53a-18 Use of reasonable physical force.

P.A. 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

P.A 15-141 An Act Concerning Seclusion and Restraint in Schools

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.



Book	Policy Manual
Section	5000 - Students
Title	Use of Physical Force Regulation and Forms
Code	5144.01-R
Status	Retired
Adopted	June 26, 2018
Retired	June 14, 2022

## **USE OF PHYSICAL FORCE REGULATION/FORMS**

### **Physical Restraint/Seclusion**

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion to provide a safe environment for students and staff.

### **Definitions**

Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

Seclusion means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center,

or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

**Conditions Pertaining to the Use of Physical Restraint and/or Seclusion**

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
  - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
  - b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
  - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
  - a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.
  - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. Beginning July 1, 2016, the Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
  - a. Record each instance of the use of physical restraint or seclusion on a student;
  - b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.

- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
  - a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

### **Required Training and Prevention Training Plan**

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017, and each school year thereafter, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. (Such overview is to be provided by the Department of Education commencing July 1, 2017, and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2018.

3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
  - a. Verbal defusing and de-escalation;
  - b. Prevention strategies;
  - c. Various types of physical restraint and seclusion;
  - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  - e. The differences between permissible physical restraint and pain compliance techniques; and
  - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
  - g. Recording and reporting procedures on the use of physical restraint and seclusion.

### **Crisis Intervention Teams**

For the school year commencing July 1, 2018, and each school year thereafter, the Board requires the District to identify a District level crisis intervention team who will provide training and support to the school level teams. Such team shall consist of any teacher, administrator, school professional or any other school employee designated by the Chief of Specialized Learning and Student Services or comparable senior cabinet member, and who has expertise in Behavior Management Strategies and trained in the use of physical restraint and seclusion.

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on a regular basis consistent with the requirements of the approved training program but not less than once every 18 months. The Board shall maintain a list of the members of the district and school level crisis intervention teams. The Board shall maintain a list of the members of the district and school level crisis intervention team.

### **Dissemination of Policy**

This policy and its procedures shall be made available on the District’s website and in the Board’s procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

- Legal
- 10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220)

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally. 53a-19 Use of physical force in defense of person.

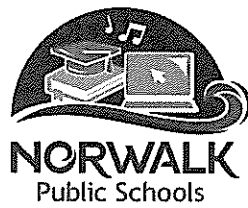
53a-20 Use of physical force in defense of premises. 53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools. PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b- 11.

Cross References      [4148 - Employee Protection](#)

Form 1 - Physical Restraint Report Form.pdf (406 KB)	Form 2 - Seclusion Report Form.pdf (404 KB)
Form 3 - Report of Seclusion or Restraint Incident Report.pdf (190 KB)	
Appendix A - Restraint and Seclusion Laws in Connecticut.pdf (373 KB)	



Book	Policy Manual
Section	5000 - Students
Title	Restraint and Seclusion Laws in Connecticut
Code	5144.01 - Appendix A
Status	Retired
Retired	June 14, 2022

### **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

The following sets forth Connecticut law related to the physical restraint and seclusion of persons at risk, which can be found in Public Act 07-157, amending Connecticut General Statutes Sections 46a-150 through 46a-153, 10-76b, and 10-76d and Public Act 15-141. The Norwalk Board of Education mandates compliance with these laws at all times.

#### **I. The following definitions apply to these procedures:**

- Life-threatening physical restraint means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- School employee means a teacher, substitute teacher, school administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the board of education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.
- Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.
- Provider: A person who provides direct care, or supervision of a person at risk.
- Assistant Provider or Assistant: A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider or supervision of a person at risk.
- Person at Risk: A person receiving care or supervision in an institution or facility operated by, licensed or authorized to operate by or operating pursuant to a contract with the Departments of Public Health, Developmental Services, Children and Families or Mental Health Addiction Services.
- Life Threatening Physical Restraint: Any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means.
- Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C)

medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury.

- Seclusion: The confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room.

## **II. Procedures for Physical Restraint of Persons at Risk**

No school employee, provider or assistant shall under any circumstance use a life-threatening physical restraint on a person at risk.

No school employee, provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.

Physical restraint of a student or person at risk shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.

### **Monitoring**

A school employee, provider or an assistant must continually monitor any student or person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.

A school employee, provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person being restrained.

### **Documentation and Communication**

A school employee or provider must notify the parent or guardian of a student or person at risk of each incident that the person at risk is physically restrained.

The Chief of Specialized Learning must be notified of the following:

- a. each use of physical restraint;
- b. the nature of the emergency that necessitated its use; AND
- c. if the physical restraint resulted in physical injury;

After a physical restraint occurs, the following information must be documented in the educational file of the student who was physically restrained:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the restraint;
- c. the duration of the restraint; AND
- d. the effect of the restraint on the person's established behavioral support or educational plan.

## **III. Procedures for Seclusion of a Student**

No school employee shall use involuntary seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.

Seclusion of a student shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using seclusion. An Individualized Education Program Team ("IEP Team") may not incorporate the use of seclusion into a child's IEP.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion.

### **Monitoring**

A school employee, provider or an assistant must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by direct observation of the student.

A school employee, provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person who is in seclusion.

### **Documentation and Communication**

A school employee, provider must notify the parent or guardian of a student of each incident that the student is placed in seclusion.

The Principal/Chief of Specialized Learning must be notified of the following:

- a. each use of seclusion on a student;
- b. the nature of the emergency that necessitated its use;
- c. if the seclusion resulted in physical injury to the student; and

After seclusion occurs, the following information must be documented in the educational file of the student who was placed in seclusion:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the seclusion;
- c. the duration of the seclusion; AND
- d. the effect of the seclusion on the person's established behavioral support or educational plan.

## **IV. Responsibilities of the Superintendent/Chief of Specialized Learning**

The Superintendent/Chief of Specialized Learning, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District and the nature of each instance of physical restraint and seclusion.

The Superintendent/Chief of Specialized Learning, or his or her designee, shall report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk.

The Chief of Specialized Learning, or his or her designee, must, at each initial IEP Team meeting for a child, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.

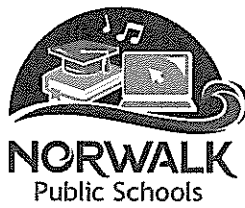
## **V. Responsibilities of the Connecticut State Board of Education**

The State Board of Education shall review the annual compilation of each local and regional board of education and shall produce an annual summary report identifying the frequency of use of physical restraint or seclusion on students and specifying whether the use of such seclusion was in accordance with an individualized education program (IEP) or whether the use of such physical restraint or such seclusion was an emergency. Such report shall be submitted on an annual basis as specified by the Department of Education.

The State Board of Education and the Commissioner receiving a report of serious injury or death resulting from a physical restraint or seclusion shall report the incident to the Director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, the Child Advocate of the Office of the Child Advocate.

The State Board of Education may regulate the use of physical restraint and seclusion of special education students in the public schools.

The State Board of Education shall adopt regulations concerning the use of physical restraint and seclusion in public schools.



Book	Policy Manual
Section	5000 - Students
Title	Physical Exercise and Discipline of Students
Code	5144.04
Status	Retired
Adopted	August 21, 2018
Retired	June 14, 2022

## **PHYSICAL EXERCISE AND DISCIPLINE OF STUDENTS**

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

### **1. Loss of Recess as Disciplinary Consequence**

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

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

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

### **2. Physical Activity as Punishment**

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

### **3. Wellness Instruction**

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

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

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

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

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP)

developed by the student's Planning and Placement Team (PPT).

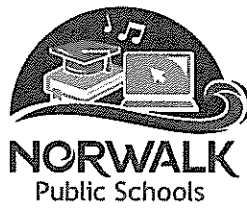
For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

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

#### Legal

10-2210 Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, and P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools)

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

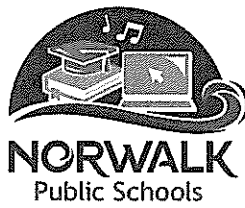


Book	Policy Manual
Section	5000 - Students
Title	Freedom of Speech/Expression
Code	5145.02
Status	Retired
Adopted	September 10, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

## **FREEDOM OF SPEECH/EXPRESSION**

### **Straw Votes**

The board of education recognizes the need for developing in each student the knowledge for making effective choices on the ballot of candidates for local, state and federal office in order that government at each level is conducted and administered for the benefit of all members of the community. Therefore, the board approves of any public school in the City of Norwalk as an exercise in citizenship taking a straw vote on candidates for any political office and on any referendum questions appearing on the ballot. If the school so desires, the results may be submitted to the press. Inherent in this policy is the understanding that relevant issues and views of all candidates will be considered.

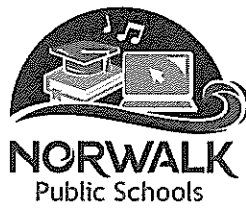


Book	Policy Manual
Section	5000 - Students
Title	Freedom of Speech/Expression Regulation
Code	5145.02-R
Status	Retired
Adopted	September 10, 1985
Last Revised	June 20, 1995
Retired	June 14, 2022

### **FREEDOM OF SPEECH/EXPRESSION REGULATION**

#### **STRAW VOTES**

1. Voting should take place after consideration of all issues and viewpoints. This means that all candidates would be invited to appear before students and otherwise express their views to assure equal opportunity.
2. Identification of voting population in the school, e.g., all students in civics classes; all students in science classes; all students in the school. The number and percent voting for each candidate or issue should be stated.
3. Results of vote should be reported to the central office. If the principal plans to release results of election to the press and radio, this should be done promptly.



Book	Policy Manual
Section	5000 - Students
Title	Nondiscrimination
Code	5145.04
Status	Retired
Adopted	May 15, 2018
Retired	June 14, 2022

## **NONDISCRIMINATION**

The Board shall not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, marital status or age; students who are expecting or with child. The Board will promote an educational environment free from harassment and discrimination.

In keeping with requirements of federal and state law, the Board strives to remove any element of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board shall adopt and the District shall publish grievance procedures providing for prompt and equitable resolution of complaints concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX, and the Age Discrimination Act. As part of those procedures, the Superintendent shall appoint and publish the names of the individuals to contact with any such complaints.

Federal civil rights laws prohibit discrimination and/or retaliation against an individual because he/she has opposed any discriminatory act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. The Board shall not retaliate against any person for these types of protected activities, or coerce, intimidate, threaten or interfere with an individual for exercising the rights guaranteed under these federal laws.

## Legal

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

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

Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., 34 CFR § 104.1 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.,

28 CFR § 35.101 et seq.

Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 CFR § 106.1 et seq.

Title VI, Civil Rights Act, 42 U.S.C. § 2000d, et seq.

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

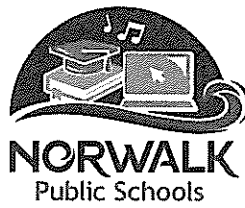
Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., 34 CFR § 110.1 et seq.

Guidelines on Discrimination Because of Sex, 29 CFR § 1604.1, et seq.

Guidelines on Discrimination Because of Religion, 29 CFR § 1605.1 et seq.

Guidelines on Discrimination Because of National Origin, 29 CFR § 1606.1 et seq.

OCR Guidelines on Sexual Harassment, 62 Fed Reg. 12034 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).

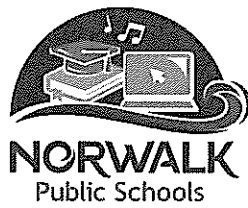


Book	Policy Manual
Section	5000 - Students
Title	Questioning and Apprehension
Code	5145.11
Status	Retired
Adopted	September 10, 1985
Last Reviewed	June 20, 1995
Retired	June 14, 2022

### **QUESTIONING AND APPREHENSION**

If questioning of students during school hours is considered necessary by the police, the administrative staff will cooperate. However, all questioning by the police will be subject to appropriate safeguards for the protection of the student, as set forth in the following administrative regulations.

Cross References      [1411 - Law Enforcement Agencies](#)



Book	Policy Manual
Section	5000 - Students
Title	Questioning and Apprehension Regulation
Code	5145.11-R
Status	Retired
Adopted	September 10, 1985
Last Revised	October 4, 2011
Last Reviewed	June 10, 1995
Retired	June 14, 2022
Prior Revised Dates	09/20/1994;

## **QUESTIONING AND APPREHENSION REGULATION**

### **1. Incident on School Grounds:**

#### **QUESTION Complainant and Witnesses**

- a. If a principal or principal's designee request an investigation by the police of an incident which occurred on school grounds, he/she shall promptly notify the parent or guardian of the complainant and/or witnesses that the police have been asked to take statements from their children and shall invite them to be present. If the parent is unable to be present, the principal or principal's designee or his/her delegate will be present. The parent has the right to refuse permission for police questioning.

#### **b. Questioning Suspect.**

When police have identified the student(s) involved as a suspect and the police wish to question them, the principal or principal's designee shall notify the parent(s) or guardian(s) and request that they be present during the questioning.

1. If the investigation deals with matters of public safety which require speedy investigation, and the parents cannot be reached, or cannot be present, then the principal or principal's designee or his/her delegate must be present during the questioning.
2. If the investigation deals with incidents other than those involving public safety, the questioning of the student will be delayed until the parent is present.

### **2. Incident in the Community**

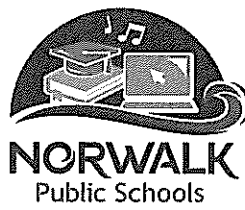
Police questioning of student concerning incidents which occur in the community will normally not be done on school grounds except that in matters dealing with public safety and the community interest, the procedures above will be followed.

### **3. Arrest on School Grounds**

If the police arrest a student on school grounds, the parent shall be notified by the principal or principal's designee. A student who has been arrested may be removed from the school grounds by the police department. The parent(s) must be notified by the principal or principal's designee of the police action.

If any person who is at least seven years of age but less than twenty-one years of age and an enrolled student is arrested during the school year for a felony; the municipal police department or division of state police within the department of public

safety that made such arrest shall, not later than the end of the next school day following such arrest, orally notify the superintendent of schools of the school district in which such person resides of the identity of such person and the offense or offenses for which he was arrested and shall, within seventy-two hours of such arrest, provide written notification of such arrest, containing a brief description of the incident, to such superintendent. The superintendent shall maintain such written report in a secure location and the information in such report shall be maintained as confidential in accordance with section 46b-124 of the general statutes, as amended by public act 98-48 section 15 of this act. The superintendent may disclose such information only to the principal of the school in which such person is a student or to the principal or supervisory agent of any other school in which the superintendent knows such person is a student. The principal or supervisory agent may disclose such information only to special service staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purpose of assessing the risk of danger posed by such person to himself, other students, school employees or school property and effectuating an appropriate modifications of such person's educational plan or placement and for disciplinary purpose. Such assessment shall be completed not later than the end of the next school day. Such information with respect to a child under sixteen years of age shall by public act 98-48 and section 15 of this act, and shall only be disclosed as provided in this section and shall not be further disclosed.



Book	Policy Manual
Section	5000 - Students
Title	Locker and Desk Searches
Code	5145.12
Status	Retired
Adopted	September 10, 1985
Last Revised	December 1, 1998
Retired	June 14, 2022
Prior Revised Dates	09/20/1994;

## **Search and Seizure**

### **LOCKER AND DESK SEARCHES**

The Board of Education provides lockers and desks as depositories for students' personal belongings and school-related materials. Students are required to store personal belongings and school-related materials exclusively in their desks or lockers.

Students shall be responsible for maintaining desks and lockers in an orderly and sanitary condition.

The school administration is authorized to search any student locker or desk, and any student automobile located on school premises, for weapons, contraband or the fruits of a crime when there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating the law or school rules.

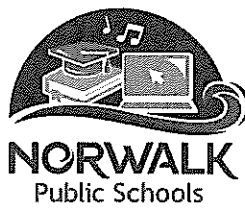
The school administration also is authorized to search a student's person where there exist reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating the law or school rules. The search of a student's person includes a search of a student's clothing and personal effects. Under no circumstances shall school district personnel conduct a "strip" search of a student. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing and the student refuses to deliver such evidence, the assistance of the police shall be obtained.

Any search of a student's desk or locker or of a student's person shall be reasonably related in scope to the circumstances that justified the search in the first place. The scope of the search is reasonable when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

In all cases of a proposed search of a student's person, where possible, the Superintendent of Schools will first be consulted. A search of a student's person shall be conducted only by a person of the same sex as the student and in the presence of a witness of the same sex as the student.

Student shall be notified annually of this policy by publication in student handbooks and in any other manner that the Superintendent of Schools may deem necessary to effect such notice.

Legal	New Jersey v. T.L.O., 469 U.S. 325 (1985) Connecticut General Statutes, §54-33n
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Book	Policy Manual
Section	5000 - Students
Title	Use of Metal Detectors
Code	5145.123
Status	Retired
Adopted	March 6, 2007
Retired	June 14, 2022

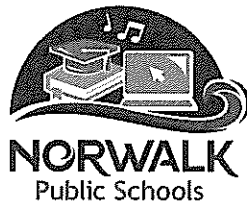
## **Search and Seizure**

### **USE OF METAL DETECTORS**

The primary concern of the Board of Education is the safety of students and staff. When the administration has reasonable cause to believe that weapons are in the possession of students; when an event has occurred in the community involving weapons that causes a reasonable suspicion that weapons might be brought into the school; when there has been a pattern of weapons found at school or when violence involving weapons has occurred at the school or at school sponsored events, the administration shall be authorized to use mobile metal detectors. A person of the same gender as the student shall conduct in private any search of a student's person as a result of the activation of the detector.

Upon enrollment and at the beginning of each school year, secondary students and parents/guardians shall receive notice that the district may use metal detector checks as part of its program to promote safety and deter the presence of weapons. The Superintendent shall be charged with ensuring that the school administration implements the parental notification policy

Legal	10-221 Boards of education to prescribe rules. New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985) Use of Metal Detectors
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Book	Policy Manual
Section	5000 - Students
Title	Breathalyzer Testing
Code	5145.124
Status	Retired
Adopted	March 6, 2007
Retired	June 14, 2022

## **Search and Seizure**

### **BREATHALYZER TESTING**

No student shall possess, use, be under the influence of, sell, or transfer any alcoholic beverage on school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity.

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspensions or dismissal from athletic teams.

When an administrator has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given the option to take a Breathalyzer test. If screening results are negative, no action shall be taken. However, if the student tests positive or if the student declines to take the test when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action as set out in the District's disciplinary policies.

Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors; or
4. Involvement in, or contribution to, an accident where the use of alcohol is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.

The Superintendent shall develop a process to reasonably ensure reliability of the screening instrument used, appropriate training for administrators, student privacy during the taking of the sample and security of the sample once obtained. Access to screening results shall be restricted on a need-to-know basis to those persons designated by the Superintendent.

Students who test positive on a confirmation alcohol test shall be subject to disciplinary action.

## Legal

10a-18 Programs to be offered on effects of drugs and alcohol.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

10-221d Boards of education to prescribe rules re; use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation re schedules of controlled substances.

New Jersey v. T.L.O., 469 325; 105 S.CT. 733 (1985)

Veronia School District 47J v. Acton, 515 U.S. 646 (1995)

Todd v. Rush County Schools, 133F.3d 984 (7th Cir. 1998)

Knox County Education Association v. Knox County Board of Education, 158 F3d 361, 3885-386 (6th Cir. 1998)

## Cross References

5114 - Suspension/Expulsion; Exclusion/Removal

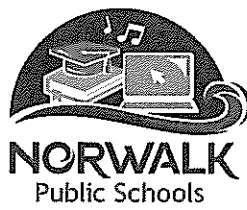
5131 - Student Conduct

5131.06 - Drugs, Tobacco, Alcohol

5144 - Use of Reasonable Physical Force/Restraints

5145.11 - Questioning and Apprehension

5145.12 - Locker and Desk Searches



Book	Policy Manual
Section	5000 - Students
Title	On-Campus Recruitment
Code	5145.14
Status	Retired
Adopted	June 20, 1995
Last Revised	April 8, 2003
Retired	June 14, 2022

#### **ON CAMPUS RECRUITMENT**

The high schools of this school system shall provide the same directory information and on-campus recruiting opportunities to representatives of the armed forces of the United States of America and state armed services as are offered to nonmilitary recruiters, recruiters for commercial concerns, and recruiters representing institutions of higher education. A parent/guardian of a secondary school student or the student himself or herself if he or she has reached the age of majority ("eligible student") may request at any time that the student's name, address, and telephone listing not be released to military recruiters without the prior written consent of the parent, or the parent/ guardian or the eligible student, as the case may be. The superintendent of schools or his designee will notify parents and eligible students annually of their right to file such a request.

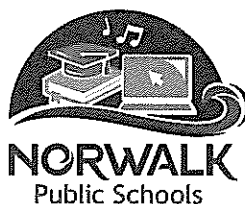
The Board shall also provide full access for the recruitment of students by regional vocational technical schools, regional vocational agricultural centers, inter-district magnet schools, trade schools, charter schools and inter-district student attendance programs.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request in writing that the Superintendent of Schools review the school administration's decision. The Superintendent shall consider the request and conduct an appropriate investigation; the Superintendent may meet with the person requesting the review and the school administrator involved in the decision. After the investigation, the Superintendent may reconsider the denial if in his judgment the holding of the meeting would not substantially interfere with the proper and orderly operation of the school. A person or organization adversely affected by the decision of the Superintendent of Schools may request a review of the decision by the Board of Education by filing a written request for such review with the Chairman of the Board of Education.

Legal	1-210 Access to public records. Exempt records [subsection (b11) re-release of names or addresses of students]
	10-221b Boards of Education to establish written uniform policy re treatment of recruiters
	20 U.S.C. 1232g Family Educational Rights and Privacy Act
	20 U.S.C. 7908 Armed Forces Recruiter Access to Students and Student Recruitment
	National Defense Authorization Act for FY 2001 PL 106 398 HR 4205
	No Child Left Behind Act of 2001 (HRI) Section 9528

Cross References	<u>5125 - Student Records: Confidentiality</u>
	<u>5145.14 - On-Campus Recruitment</u>



Book	Policy Manual
Section	5000 - Students
Title	School Newspapers
Code	5145.21
Status	Retired
Adopted	June 26, 1990
Last Revised	June 20, 1995
Retired	June 14, 2022

## **Freedom of Speech/Expression**

### **SCHOOL NEWSPAPERS**

The school newspaper is considered an integral part of the school curriculum. Its primary academic mission is to encourage responsibility, analytical thinking, writing skills and interviewing techniques. When published, the paper must reflect the best journalistic writing style.

School newspapers will be governed by the following guidelines:

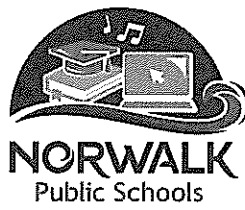
1. News will be presented in an impartial and unbiased manner.
2. All materials must be factual and accurate in its presentation.
3. Material that is libelous or violates the rights of privacy will not be used.
4. The use of obscene, indecent language or implied obscenity or indecency through subtle word play or innuendo will not be permitted under any circumstances.
5. Material that criticizes or demeans any race, religion, sex or ethnic group or distorts through emphasis or omission, will not be used.
6. The publication of any material that could cause substantial disruption to the school is forbidden. This includes the threat of physical violence in the school or school community and/or the disruption of the school's educational program.
7. The newspaper will not be used for the endorsement of political candidates or their positions by articles in editorials, in letters, in photographs or in cartoons. Candidates who run for school office, must be provided equal treatment under all circumstances.
8. The school newspaper must adhere to the highest standards of ethical and moral conduct in its production.

### **DETERMINATION OF APPROPRIATENESS**

The assigned faculty advisor for the newspaper will have the primary responsibility for reviewing, editing, deleting or rejecting all student material prior to its publication.

The school principal or his/her designee will also review all material prior to its publication. The principal may delete, reject or edit materials in the best interest of the school when needed.

Any material that violates the above-stated guidelines will be rejected.



Book	Policy Manual
Section	5000 - Students
Title	Title IX
Code	5145.44 / 4000.01
Status	Retired
Adopted	October 20, 2020
Retired	June 14, 2022

## **TITLE IX**

The Norwalk Board of Education (Board) policy is to maintain a learning and working environment free from any form of sex discrimination or sexual harassment. The Board agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations as amended in the Final Rule promulgated pursuant thereto.

The Board, as required, shall respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Title IX applies to persons in this District because its education programs or activities receive Federal financial assistance. This policy applies to all the District's programs or activities, whether such programs or activities occur on or off school grounds.

The District's response shall be triggered by notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, which charges a school with actual knowledge.

### **Definitions**

Sex discrimination for purposes of this Title IX policy occurs when an individual, because of his or her sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance. It includes when the District, as an employer, refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to such individual's compensation, terms, conditions or privileges of employment on the basis of the individual's sex.

Sexual harassment for purposes of this Title IX policy includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person's equal access to the District's educational programs or activities; or
3. Any instance of sexual assault (as defined in 20 U.S.C.1092 (f)(6)(A)(v)), dating violence (as defined in 34U.S.C. 12291(a)(10)), domestic violence (as defined in 34U.S.C.12291(a)(8)), or stalking, (as defined in 34 U.S.C. 12291(a)(30).

(This definition does not make sexual harassment dependent on the method by which the harassment is carried out.)

Program or activity includes those locations, events, or circumstances over which the District exercises substantial control over both the alleged harasser (respondent) and the context in which the sexual harassment occurred.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee of the school district.

Title IX Coordinator is the individual designated and authorized by the Board to coordinate the District's Title IX compliance efforts. The name and contact information of the Board's Title IX coordinator shall be posted on the District website and shall be disclosed at the beginning of the School Year.

Deliberately indifferent means a response to a Title IX sexual harassment report that is not clearly unreasonable in light of the known circumstances.

Complainant is the individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint is the document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

Document filed by a complainant is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a complainant or a respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

### **Notifications**

The District shall notify all students, employees, applicants for admission and employment, parents or legal guardians of students, and all unions/bargaining units of the Title IX Coordinator's contact information. Such information shall include the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. The required contact information shall also be prominently displayed on District and school websites.

### **Reporting Procedures/Formal Complaint**

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment. Such report may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Such report may be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number, e-mail address or by mail to the office address.

Any third party as well as the complainant may report sexual harassment. This includes parents and guardians of students.

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.

### **District/School's Mandatory Response Obligations**

The District and its schools recognize its mandatory obligations to respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, as defined. The following mandatory response obligations will be fulfilled:

1. Supportive measures shall be offered to the person alleged to be the victim ("complainant").

A respondent will not be disciplined without the District first following the Title IX grievance process, which includes investigating formal complaints of sexual harassment.

2. The Title IX Coordinator to discuss promptly with the complainant the availability of supportive measures, consider the complainant's wishes with respect to such measures, inform the complainant of the availability of such measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. Follow a grievance procedure that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. The rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment and Fourteenth Amendment shall not be restricted when complying with Title IX.
5. Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.

6. The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

7. Compliance efforts, where applicable, to be coordinated with special education staff members.

**If the allegations in a formal complaint do not meet the definition of sexual harassment contained within this policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.**

#### **Notice of Allegation to the Parties**

The District shall provide notice to the parties upon receipt of a formal complaint and on an ongoing basis if the District decides to include additional allegations during the course of the investigation.

The notice shall inform the parties of the allegations that potentially constitute sexual harassment as defined in this policy and include the identities of the parties involved in the incident, sufficient details about the allegations, including the identities of the parties if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

The written notice shall also include notice of the applicable grievance process, and advise the parties that they may have an advisor of their choice and that the parties may inspect and review evidence obtained in the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The written notice will be on the Title IX coordinators letterhead and will be sent via certified mail (return receipt requested) or via UPS, FedEx or some other comparable courier service with appropriate tracking capabilities.

#### **Grievance Process**

The District, as required, will utilize a consistent, transparent grievance process for resolving formal complaints of sexual discrimination and/or sexual harassment. Such process, as detailed in the administrative regulation accompanying this policy, applies to all District schools equally.

A presumption that the respondent is not responsible for the alleged conduct shall be maintained until a determination is made regarding responsibility at the conclusion of the grievance process.

Allegations contained in any formal complaint will be investigated. Written notice shall be sent to both the complainant(s) and respondent(s) of the allegations upon receipt of the formal complaint in the matter described above.

During the grievance process and when investigating:

1. The burden of gathering evidence and burden of proof remains with the District.
2. The parties will be provided equal opportunity to present fact and expert witnesses and evidence.
3. The ability of the parties to discuss the allegations or gather evidence shall not be restricted.
4. The parties shall have the same opportunity to select an advisor of their choice, who may be, but need not be, an attorney.
5. The District shall send written notice of any investigative interviews or meetings.
6. The District shall send the parties, and their advisors, evidence directly related to the allegations, electronically or hard copy, with at least ten (10) working days for the parties to inspect, review and respond to the evidence.
7. The District shall send the parties, and their advisors, an investigative report, electronically or hard copy, that summarizes relevant information with at least ten (10) working days for the parties to respond.
8. After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) (who shall not be the Title IX coordinator and/or investigator) shall afford each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The District shall dismiss allegations of sexual harassment that do not meet the definition contained in this policy or if such conduct did not occur in a District educational program or activity against a person in the United States. Such dismissal is for Title IX purposes.

The District, in its discretion, may dismiss a formal complaint or allegations therein if the Title IX Coordinator is informed by the complainant in writing to withdraw the formal complaint or allegations therein, if any of the following conditions are met:

1. respondent is no longer enrolled or employed by the District, or
2. If specific circumstances prevent the District from gathering sufficient evidence to reach a determination.

The District shall give the parties written notice of a dismissal, mandatory or discretionary, and the reasons for such dismissal.

The District, in its discretion, may consolidate formal complaints where the allegations arise out of the same or similar set of facts.

### **Privacy**

The privacy of an individual's medical, psychological, and similar treatment records will be protected. Such records will not be accessed by the District unless the party's voluntary, written consent is obtained.

The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in their recognized capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, per the Title IX Final Rule, are considered irrelevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or offered to prove consent.

### **Standard of Evidence and Written Determination**

The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard.

The decision maker, who cannot be the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Such written determination shall be sent simultaneously (via certified mail and/or other similar courier service that provides tracking) to the parties and include information about how to file an appeal.

### **Appeals**

The District shall offer both parties an appeal from a determination regarding responsibility and from the District's dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias, that affected the outcome of the matter.

The District shall provide both parties a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The appeal decision-maker shall issue simultaneously to the parties, a written decision describing the appeal result and the rationale for the result.

### **Informal Resolution Process**

The District may exercise the option to offer and to facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties give voluntary, informed, written consent to attempt informal resolution.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District will not require the parties to participate in an informal resolution process and will not offer such process

unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board specifically prohibits the offering or facilitating of an informal resolution process to resolve any allegation that an employee sexually harassed a student.

### **Record Keeping**

The District shall maintain for a period of seven (7) years the records of each sexual harassment investigation, any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of informal resolution; and the materials used to train coordinators, investigators, decision-makers and facilitators of informal resolution.

The District shall also create and maintain for a period of seven (7) years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, it shall be documented the basis or the conclusion reached and the measures taken to restore or preserve access to the District's educational program or activity.

Reasons must be cited when supportive measures are not provided to a complainant.

At the end of the seven (7) year period, and if appropriate under the Connecticut Library Retention Schedule, all said records shall be destroyed.

### **Retaliation**

The District shall maintain confidentiality regarding the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

**The District expressly prohibits retaliation against any individual for exercising Title IX rights which includes, but is not limited to any action by a person(s) (including third parties) to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.**

Complaints alleging retaliation may be filed according to the grievance procedures pertaining to sex discrimination.

The Board recognizes that the following does not constitute retaliation:

1. The exercise of rights protected under the First Amendment of the U.S. Constitution.
2. The charging of an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

The charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

### **Training**

The Board shall provide and/or make available training for any person designated as a Title IX coordinator, investigator, and decision maker and any person designated to facilitate an informal resolution process by October 1st of each school year. Such training shall include:

- The definition of sexual harassment under the new Final Rule;
- The scope of the District's education programs and activities;
- The manner in which to conduct an investigation and grievance process, including appeals, hearings and informal resolution process, as applicable;
- How to serve impartially, including the avoidance of prejudgment of the facts at issue, conflicts of interest, and bias;
- The promotion of impartial investigations and adjudications of sexual harassment;

- A presumption that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the grievance process;
- Description of the range or list of the possible remedies the district may provide a complainant and disciplinary sanctions that can be imposed on a respondent, following determinations of responsibility;
- The utilization of the preponderance of evidence standard or the clear and convincing evidence standard;
- Issues of relevance of questions and evidence; and
- The creation of the investigative report to fairly summarize relevant evidence.

The District shall, as required, retain its training materials for a period of seven years and to make such materials available on its website (or upon request if the district does not maintain a website).

### **Nondiscrimination Notice**

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons. The Board shall not discriminate on the basis of sex in the education programs or activities it operates. This policy of nondiscrimination in the education program or activity also extends to employment and admission.

Notice of the Board's nondiscrimination policy and grievance procedure, including how to file or report sexual harassment and how the District will respond shall be provided to applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the District.

This notice of nondiscrimination shall be posted on district and school websites and placed in any handbooks provided to the above cited groups.

### **Legal**

United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.

Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.

Title IX Final Rule, 34 CFR §106.45, et seq., May 6, 2020

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

The Clery Act, 20 U.S.C. §1092(f)

The Violence Against Women Act, 34 U.S.C. §12291(a)

Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)

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

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

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

Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)  
46a-60 Discriminatory employment practices prohibited.

Conn. Agencies Regs. §46a-54-200 through §46a-54-207

Constitution of the State of Connecticut, Article I, Section 20.

P.A. 19-16 An Act Combating Sexual Assault and Sexual Harassment

Cross References

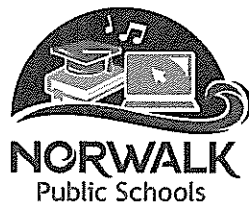
0521 - Equal Opportunity Policy

4118.112 - Sexual Harassment

5131.91-R - Bullying Regulation

5145.04 - Nondiscrimination

5145.21 - School Newspapers



Book	Policy Manual
Section	5000 - Students
Title	Sexual Abuse Prevention and Education Program
Code	5145.511
Status	Retired
Retired	June 14, 2022

### **Exploitation; Sexual Harassment**

#### **SEXUAL ABUSE PREVENTION AND EDUCATION PROGRAM**

The Norwalk Public Schools ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to sexual abuse and assault. This requires the efforts of the entire staff.

Therefore, the Norwalk Public Schools shall develop a comprehensive child abuse program for students in kindergarten through grade 12, inclusive, with the goal of informing students and staff about child sexual abuse and assault awareness.

The program shall include, but is not limited to:

1. Adopting a child sexual abuse and assault awareness curriculum to provide age-appropriate information to teach students between appropriate and inappropriate conduct in situations where child sexual abuse or assault could occur, and to identify actions a child may take to prevent and report sexual abuse or sexual assault;
2. Providing students with resources and referrals to handle these potentially dangerous situations;
3. Providing students access to available counseling and educational support;
4. Providing mandatory training to all District staff to ensure they are fully informed on:
  - a. the warning signs of sexual abuse and sexual misconduct involving a child,
  - b. mandatory reporting requirements,
  - c. school District policies, and
  - d. establishing and maintaining professional relationships with students, available resources for children affected by sexual abuse, sexual assault or misconduct.
5. Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children; and
6. Permitting students to opt from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal or his/her designee of a written request from the student's parent/guardian. Such request shall be sufficient to exempt the student from such program in its entirety or from portions of it so specified by the parent/guardian.

Students, parents/guardians, teachers and school staff and school volunteers shall be provided information, at a minimum on an annual basis, on the District's policy and procedures against sexual abuse and assault. The information shall include evidence-based methods of preventing sexual abuse and assault, as well as how to effectively identify and respond to sexual abuse and incidents within the scope of the school.

The District shall utilize existing resources, including but not limited to, student support services staff (e.g. school social workers, school counselors, school psychologists) to assist in providing sexual abuse and assault intervention and prevention training.

### **Reporting Child Sexual Abuse and Assault**

In furtherance of C.G.S. 17a-101 et. seq., and its purpose, the Board of Education requires ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, or imminent risk of serious harm, in accordance with the procedures set forth in this policy.

Furthermore, the Board of Education requires all personnel who have reasonable cause to suspect or believe that a child, under the age of eighteen (18), has been sexually abused or assaulted to report such cases in accordance with the law, Board policy and administrative regulations.

A mandated reporter shall make an oral report, by telephone or in person, to the Commissioner of Children and Families or a law enforcement agency as soon as possible, but no later than twelve

(12) hours after the reporter has reasonable cause to suspect the child has been abused. In addition, the mandated reporter shall inform the Building Principal or his/her designee that he/she will be making such a report. Not later than forty-eight (48) hours of making the oral report, the mandated reporter shall file a written report with the Commissioner of Children and Families or his/her designee. (The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.)

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

If the report of sexual abuse involves an employee of the District as the perpetrator, the District may conduct its own investigation into the allegation, provided that such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or by a law enforcement agency.

The Board of Education recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated reporter's written or oral report of abuse or neglect or if the Commissioner of Children and Families has reasonable belief that a school employee abused a student. Not later than five (5) working days after an investigation of child abuse by a school employee has been completed, DCF is required to notify the Superintendent and the State Department of Education of the investigation's results. If DCF has reasonable cause, and recommends the employee be placed on DCF's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

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

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

Cross References      5131.91 - Bullying/Safe School Climate Plan

5141.04 - Child Abuse/Neglect