Policy Summary

November 17, 2026

**Policies for Review, Wave Second Reading:**

**1210 Recording Meetings Without Consent**

This policy asserts a school board's authority to establish rules that prohibit the surreptitious recording of others in the school setting to maintain a climate of trust and confidentiality.

**4150 Employee Use of the District's Computer Systems**

Effective October 1, 2026, Public Act 26-73 amends Connecticut General Statutes Section 31-48d to require employers who engage in electronic monitoring to provide each employee hired on or after October 1, 2026, prior to commencing employment, with a plain language statement advising which activities are prohibited and may be monitored without prior written notice. The revised law also requires that employers provide employees with notice of the specific locations on the employer's premises where electronic monitoring may occur. We have revised the model notice that accompanies this policy to reflect these changes. We have also made technical and clarifying changes to the administrative regulations that accompany the policy.

**4111Employment and Student Teacher Checks**

Sections 11 through 13 of Public Act 26-139 revise the existing framework that a board of education, charter school governing council, magnet school operator, or supervisory agent of nonpublic schools (collectively, "school governing entities") must follow when hiring applicants for positions involving direct student contact. The law requires school governing entities to, among other things, review a written statement from the applicant, contact the applicant's former employers (as defined by the statute), and review information from the State Department of Education ("SDE") regarding the SDE's knowledge of the applicant's history of certain misconduct. The Act generally expands the scope of what applicants, former employers, and the SDE must disclose. We have revised our model policy to reflect the new statutory requirements.

**4030.5 Family and Medical Leave**

In 2025, state law was revised to expand Connecticut Family and Medical Leave Act ("CT FMLA") coverage to employees working for boards of education in positions that do not require professional certification under Chapter 166 of the Connecticut General Statutes ("noncertified employees"). We have revised our model policy to clarify that the term "noncertified employee" – as used in the policy – is relevant solely to determining CT FMLA eligibility. We also clarified that the term "instructional employee" – as used in the policy – is relevant to determining whether special rules governing the administration of Federal FMLA leave may apply.

**5120.3 Health Assessments/Screenings and Oral Health Assessments**

We have revised the model administrative regulations concerning Health Assessments/Screenings and Oral Health Assessments in light of Public Acts 26-1 and 26-13. Specifically, the administrative regulations now clarify that the board of education may, but is not required to, provide vision screenings for students in preschool and grade two. We further revised the document to explain that the school nurse may reject the results of any required health assessments or screenings submitted on forms other than the forms supplied by the State Board of Education and require resubmission on the required forms. Further, in accordance with the revised statute, the administrative regulations now require that an asthma action plan be included with each health assessment form that indicates an asthma diagnosis. Finally, we revised the administrative regulations to provide that, beginning in the school year commencing July 1, 2027, each student in grades nine through twelve, inclusive, must have an annual athletics health assessment prior to participating in interscholastic athletics.

**5120.3 Regulation: Immunizations**

In connection with Public Act 26-3, which includes various changes to the public health laws concerning vaccines, we have revised the Administrative Regulations Regarding Immunizations to identify that school districts must rely on the schedules of immunizations published by the Connecticut Commissioner of Public Health (the "Commissioner") when determining whether a student has the required immunizations for school attendance. We have also removed language concerning the specific doses required for certain immunizations because those doses are included in the Commissioner's published immunization schedule. This revision also includes an updated link to the immunization schedule and updated legal references.

**5200 Americans with Disabilities Act/Section 504**

We have revised the model administrative regulations connected to the Section 504/ADA policy to add reference to investigations into challenging behavior, in accordance with the 2025 changes to the state bullying law, and to make a technical revision. No additional revisions were made to this model document.

# #1210
# Recording Meetings Without Consent

The Madison Board of Education (the "Board") is committed to fostering a culture built on mutual trust, open communication, and professional ethics. The Board finds that unauthorized or secret recordings of conversations (whether between staff and supervisors, or between school employees and students or parents) undermine the consultative process, inhibit candid feedback, and create an adversarial environment. Such actions are considered highly offensive to a reasonable person and detrimental to the educational climate. encourages visits by citizens, taxpayers, and parents to all school buildings.

I. Definitions

- **Secretly Recording:** The act of recording a conversation or interaction (audio or video) without notifying all participants and obtaining their express verbal or written consent at the outset.
- **Meeting:** Any scheduled or informal gathering, whether in person or via digital/virtual platforms, where school business, student progress, or employment matters are discussed.
- **Supervisor:** Any individual with authority to direct, evaluate, or oversee the work of a Board of Education employee.
- **Staff Member:** Any person employed by the Board of Education, whether certified on non-certified.

II. Prohibited Conduct

Except as otherwise provided by law or this policy, all persons on school property, or participating in school-sponsored activities (including virtual environments), are prohibited from surreptitiously recording any meeting or conversation where there is a reasonable expectation of privacy.

1. This prohibition encompasses audio, video, and the use of AI-based automated notetaking or transcription services (e.g. Otter.ai, Fireflies, Zoom AI) that record or process the audio of a meeting without knowledge and consent of all participants.
2. This policy is intended to prevent the unauthorized recording of private professional interactions, confidential student matters, and internal administrative consultations. It is not intended to prohibit recording in public or semi-public forums where there is no expectation of privacy.

III. Exceptions and Limitations

This policy shall not apply to:

- Recordings of meetings subject to the Connecticut Freedom of Information Act (FOIA) held in public session.
- The use of built-in recording features in platforms such as Zoom, Microsoft Teams, or Google Meet, provided the recording is initiated by the host for administrative purposes and the platform provides an automatic notification (audible or visual) to all participants that recording is in progress
- **Special Education (PPT/504):** meetings involving the development of an IEP or Section 504 Plan, where recording Is permitted in accordance with federal and state guidelines, provided that the party wishing to record gives reasonable advance notice to all participants.
- **Professional Evaluation:** Situations where recording is a formal part of an evaluation or professional development program previously agreed upon by the administration and the relevant employee/union.

- **Legal Mandates:** Activities conducted at the direction of law enforcement or as required by a valid subpoena or court order.

IV. Procedures for Authorized Recording

If a person wishes to use an AI note-taker or an external recording device during a non-public meeting, they must:

1. Announce the use of the tool at the start of the meeting and receive consent from all parties.
2. Explicitly state the purpose of the recording on the record.
3. If any participant objects to the recording or AI-transcription, the recording must be stopped immediately.
4. If AI-transcription is used for a meeting involving student data, the tool must comply with the District's data privacy requirements and the Connecticut Student Data Privacy Act.
5. The recording must be "open and obvious".
6. If a visitor or staff member is authorized to record, the District reserves the right to simultaneously record the meeting.
7. Any recording made by an employee on a district device or in an official capacity becomes a record of the District and must be maintained in accordance with State Record Retention Schedules (e.g., Schedule M1) and FERPA, where applicable.

V. Consequences for Violation

Unauthorized recording is considered a violation of personal courtesy, professional ethics, and Board policy.

**Students:** May be subject to disciplinary action, including suspension or expulsion, in accordance with Board policy and state law.

**Employees:** May be subject to disciplinary action, up to and including termination, in accordance with applicable collective bargaining agreements and the "just cause" standard where required.

Legal References:

Conn. Gen. Stat. § 52-570d
Conn. Gen. Stat. § 10-233c-d
Conn. Gen. Stat. § 1-200 et seq.
*WVIT v. Grey*, 18 Conn. L. Rptr. 203 (1996)
*Restatement 2d of Torts*, Section 652b (1977)

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.

First Reading: November 17, 2026

# #4150
# Employee Use of the District's Computer Systems
## (formerly Acceptable Use of Computer equipment and Related Systems, Software and Networks)

Computers, computer networks, electronic devices, Internet and/or WiFi access, and electronic messaging systems are effective and important technological resources. The Madison Board of Education (the "Board") has installed computers and a computer network(s), including Internet and WiFi access and electronic messaging systems**,** on Board premises and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, copiers, Smartphones, work phones, network access devices, radios, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to employees of the district for district-related educational and business purposes. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education-related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this Policy, the system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of electronic messaging systems (including email), messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites.

Incidental personal use of the computer systems may be permitted solely for the purpose of email transmissions and access to the Internet/WiFi on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including Freedom of Information Act requests and monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

**Users should not have any expectation of personal privacy in the use of the computer systems or other electronic devices that access the computer system. Use of the computer systems represents**

**an employee's acknowledgement that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of ~~computer~~ electronic activity using the District systems or access**.

Legal References:

Conn. Gen. Stat. § 31-40x
Conn. Gen. Stat. § 31-48b~~d~~
Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Date of Revision: June 6, 2023

First Reading: November 17, 2026

# Regulation #4150
# Employee Use of District's Computer Systems

## Introduction

Computers, computer networks, electronic devices, Internet and/or WiFi access, and electronic messaging systems are effective and important technological resources. The Madison Board of Education (the "Board") has installed computers and a computer network(s), including Internet and WiFi access and electronic messaging systems, on Board premises and may provide electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, copiers, Smartphones, work phones, network access devices, radios, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance the educational and business operations of the district. In these regulations, the computers, computer network, electronic devices, Internet access and email system are referred to collectively as "the computer systems."

These computer systems are business and educational tools. As such, they are made available to employees of the district for district-related educational and business purposes. *All users of the computer systems must restrict themselves to appropriate district-related educational and business purposes*. Incidental personal use of the computer systems may be permitted solely for the purpose of email transmissions and similar communications, including access to the Internet/WiFi on a limited, occasional basis. Such incidental personal use of the computer systems is subject to all rules, including monitoring of all such use, set out in these regulations. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

These computer systems are expensive to install, own and maintain. Unfortunately, these computer systems can be misused in a variety of ways, some of which are innocent and others deliberate. Therefore, in order to maximize the benefits of these technologies to the district, our employees and all our students, this regulation shall govern *all* use of these computer systems.

## Monitoring

It is important for all users of these computer systems to understand that the Board, as the owner of the computer systems, reserves the right to monitor the use of the computer systems to ensure that they are being used in accordance with these regulations. The Board intends to monitor in a limited fashion, but will do so as needed to ensure that the systems are being used appropriately for district-related educational and business purposes and to maximize utilization of the systems for such business and educational purposes. The Superintendent reserves the right to eliminate personal use of the district's computer systems by any or all employees at any time.

The system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including, but not limited to, Twitter/X, Facebook, LinkedIn, Instagram, ~~and~~ YouTube, TikTok, Reddit, and Tumblr.

Notwithstanding the above and in accordance with state law, the Board may not: (1) request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing a personal online account; (2) request or require that an employee authenticate or access a personal online account in the presence of a Board representative; or (3) require that an employee invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the employee. However, the Board may request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing (1) any account or service provided by the Board or by virtue of the employee's employment relationship with the Board or that the employee uses for the Board's business purposes, or (2) any electronic communications device supplied or paid for, in whole or in part, by the Board.

In accordance with applicable law, the Board maintains the right to require an employee to allow the Board to access the employee's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

(A) Conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an employee's personal online account; or

(B) Conducting an investigation based on the receipt of specific information about an employee's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an employee or other source.

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee for a business purpose of the Board.

Why Monitor?

The computer systems are expensive for the Board to install, operate and maintain. For that reason alone it is necessary to prevent misuse of the computer systems. However, there are other equally important

reasons why the Board intends to monitor the use of these computer systems, reasons that support its efforts to maintain a comfortable and pleasant work environment for all employees.

These computer systems can be used for improper, and even illegal, purposes. Experience by other operators of such computer systems has shown that they can be used for such wrongful purposes as sexual harassment, intimidation of co-workers, threatening of co-workers, breaches of confidentiality, copyright infringement and the like.

Monitoring will also allow the Board to continually reassess the utility of the computer systems, and whenever appropriate, make such changes to the computer systems as it deems fit. Thus, the Board monitoring should serve to increase the value of the system to the district on an ongoing basis.

Privacy Issues

Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and can do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the district are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

*The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes.*

Therefore, *employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems*. This provision applies to any and all uses of the district's computer systems and electronic devices that access same, including any incidental personal use permitted in accordance with these regulations.

*Use of the computer system represents an employee's acknowledgement that the employee has read and understands these regulations and any applicable policy in their entirety, including the provisions regarding monitoring and review of computer activity.*

Prohibited Uses

Inappropriate use of district computer systems is expressly prohibited, including, but not limited to, the following:

- Sending any form of solicitation not directly related to the business of the Board of Education and as authorized by the District;
- Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications *may* also be a *crime*);
- Gaining or seeking to gain unauthorized access to computer systems;
- Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from IT Department personnel;
- Damaging equipment through careless handling, loss, or theft;
- Sending any message that breaches the Board's confidentiality requirements, including the confidentiality rights of students;
- Sending any copyrighted material over the system;
- Sending messages for any purpose prohibited by law;
- Storing personal or confidential information on the system;
- Transmission of inappropriate email communications or accessing inappropriate information on the Internet, including vulgar, lewd or obscene words or pictures;
- Using computer systems for any purposes, or in any manner, other than those permitted under these regulations;
- Using social networking sites such as Facebook, Twitter, LinkedIn, Instagram, ~~and~~ YouTube, TikTok, Reddit and/or Tumblr in a manner that disrupts or undermines the effective operation of the school district, is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications; creates a hostile work environment; breaches confidentiality obligations of school district employees, or violates the law, Board policies and/or the other school rules and regulations;
- Using generative artificial intelligence in a manner that disrupts or undermines the effective operation of the District; is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications, creates a hostile work environment; breaches confidentiality obligations of school employees; or violates the law, Board policies and/or other school rules and regulations. For purposes of this policy, "generative artificial intelligence" refers to a technology system capable of learning patterns and relationships from

data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

- Violating cybersecurity best practices through the sharing of passwords.

In addition, if a particular behavior or activity is generally prohibited by law and/or Board policy, use of these computer systems for the purpose of carrying out such activity and/or behavior is also prohibited.

Electronic Communications

The Board expects that all employees will comply with all applicable Board policies and standards of professional conduct when engaging in any form of electronic communication, including texting, using the district's computer system, or through the use of any electronic messaging system or electronic device or mobile device owned, leased, or used by the Board. As with any form of communication, the Board expects district personnel to exercise caution and appropriate judgment when using electronic communications with students, colleagues and other individuals in the context of fulfilling an employee's job-related responsibilities, including when engaging in remote teaching or use of a digital teaching platform.

Disciplinary Action

Misuse of these computer systems will not be tolerated and will result in disciplinary action up to and including termination of employment. Because no two situations are identical, the Board or its designee reserves the right to determine the appropriate discipline for any particular set of circumstances.

Complaints of Problems or Misuse

Anyone who is aware of problems with or misuse of these computer systems, or has a question regarding the appropriate use of the computer systems, should report this to a district administrator, supervisor or to the school principal.

Most importantly, the Board urges *any* employee who receives *any* harassing, threatening, intimidating or other improper message through the computer systems to report this immediately. It is the Board's policy that no employee should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

Implementation

This regulation is effective as of __/__/__.

Legal References:

Conn. Gen. Stat. § 31-40x
Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

***[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy].***

## NOTICE REGARDING ELECTRONIC MONITORING

**[To be posted in a conspicuous place readily available for viewing by employees]**

In accordance with the provisions of Connecticut General Statutes Section 31-48d, the Board of Education hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so as the Board and/or the Administration deem appropriate in their discretion, consistent with the provisions set forth in this Notice.

"Electronic monitoring," as defined by Connecticut General Statutes Section 31-48d, means the collection of information on the Board's premises concerning employees' activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board's premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by the Board in its workplaces:

- Monitoring of electronic messaging systems (including email) and other components of the Board's computer systems, including monitoring of electronic devices such personal computing devices, cellular phones, Smartphones, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices that access the computer systems, for compliance with the Board's policies and regulations concerning use of such systems.

- Video and/or audio surveillance within school buildings (other than in restrooms, locker rooms, lounges and other areas designed for the health or personal comfort of employees or for the safeguarding of their possessions), on school grounds and on school buses and other vehicles providing transportation to students and/or employees of the school system.

- Monitoring of employee usage of the school district's telephone systems.

- Monitoring of employees when employees are engaging in remote teaching or use of a digital teaching platform.

The law also provides that, where electronic monitoring may produce evidence of misconduct, the Board may use electronic monitoring without any prior notice when the Board has reasonable grounds to believe

employees are engaged in conduct that (i) violates the law, (ii) violates the legal rights of the Board or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to the Superintendent.

Legal References:

Connecticut General Statutes:

Section 31-48b
Section 31-48d

# #4111
# Employment and Student Teacher Checks
**(formerly Reference Checks)**

As set forth below, each applicant for a position with the district, and each student who is enrolled in a teacher preparation program with the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience in the District (collectively referred to as "applicants"), shall be asked to provide in writing: (1) whether the applicant has ever been convicted of a crime; (2) whether there are any criminal charges pending against the applicant at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry"). If the applicant's current or most recent employment occurred out of state, the applicant will also be asked whether the applicant is included on an equivalent database and/or abuse/neglect registry maintained in that other state.

Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. An employment application form that contains any question concerning the criminal history of the applicant shall contain the following notice, in clear and conspicuous language:

> **Pursuant to section 31-51i(d) of the Connecticut General Statutes, the applicant is hereby notified that (1) the applicant is not required to disclose the existence of any erased criminal history record information, (2) erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolled, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.**

In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

"**Sexual misconduct**" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

"**Abuse or neglect**" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

**"Injury or risk of injury to, or impairing the morals of, a minor"** as defined in Conn. Gen. Stat § 53-21 means (1) willfully or unlawfully causing or permitting any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or doing any act likely to impair the health or morals of any such child; or (2) having contact with the intimate parts, as defined in Conn. Gen. Stat. § 53a-65, of a child under the age of sixteen years or subjecting a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child; or (3) permanently transferring the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquiring or receiving the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803.

"**Former employer**" means any local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator, person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The District shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the District:
   1. Requiring the applicant:

      a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of "former employer" above, including the applicable twenty--year reporting period) during any of the previous twenty years, if:

         (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or

(ii) the applicant's employment with such current or former employer caused the applicant to have contact with children.

b. to submit a written authorization that

(i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,

(ii) consents to and authorizes disclosure by the Connecticut State Department of Education (the "Department") of the information requested under paragraph I.A.3 of this policy and the release of related records by the Department, and

(iii) releases those employers and the Department from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

(i) has been or is the subject of an abuse or neglect or sexual misconduct investigation, or any investigation involving the injury or risk of injury to, or imparing the morals of a minor by any employer, state agency or municipal police department, ~~unless the investigation resulted in a finding that all allegations were unsubstantiated,~~

(ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF or any employer, state agency or municipal police department, or an allegation of sexual misconduct was pending or under investigation by any employer, state agency or municipal police department, or an allegation involving the injury of risk of injury to, or impairing the morals of, a minor, was pending or under investigation, or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

(iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or an allegation involving the injury or risk of injury to, or impairing the morals of, a minor, was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department, which shall request the following:

   a. the dates of employment of the applicant, and

   b. a statement as to whether the employer has knowledge that the applicant:

      (i) was or is the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated, unless such substantiation was reversed as a result of an appeal to DCF;

      (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was or is pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct, unless such substantiation was reversed as a result of an appeal to DCF; or

      (iii)has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct, unless such substantiation was reversed as a result of an appeal to DCF. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the District receives a request for such information about an employee or former employee, the District shall respond with and is authorized to disclose such information. The District may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department concerning:

   a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

b. whether the Department has knowledge that an investigation is pending or a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such investigation or~~a~~ finding, and

c. whether the Department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the District receives information that an applicant for a position with or an employee of the District is under investigation or has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of such information.

C. The District shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

D. The District may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the District's review of information received under this section, provided:

1. The applicant complied with paragraph I.A.1 of this policy;

2. The District has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the District; and

3. The applicant affirms that the applicant is not disqualified from employment with the District.

E. The District shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing or requiring the nondisclosure of information relating to a pending~~n~~ investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;

2. Affects the ability of the District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

3. Requires the District to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the District, unless, after investigation, such allegation is ~~dismissed or~~ found to be false.

F. The District shall not offer employment to a person as a substitute teacher, unless such person and the District comply with the provisions of paragraph I.A.1 of this policy. The District shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The District shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the District as a substitute teacher as described in paragraph III.B.2 of this policy, provided the District does not have any knowledge of a reason that such person should be removed from such list.

G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of "former employer" above, including the applicable twenty-year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there is a pending or open investigations or was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (g~~f~~) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such investigation or finding, either telephonically or through written communication. If the contractor receives any information indicating such investigation or ~~a~~ finding ~~or otherwise receives any information indicating such a finding~~ or otherwise has knowledge of such ~~a~~investigation or finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant/employee who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the District that may include

1. denial of employment, or

2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151, or
3. termination of a non-certified employee in accordance with applicable law and/or any applicable collective bargaining agreement, contract or District policy.

I. If the District provides information in accordance with paragraph I.A.2 or I.G of this policy, the District shall be immune from criminal and civil liability, provided the District did not knowingly supply false information.

J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the District has concerning an investigation or finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

K. Prior to offering employment to an applicant, the District shall make a documented good faith effort to contact each current and any former employer (please note the definition of "former employer" employer above, including the applicable twenty-year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant's employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment, including whether there is a pending investigation of the applicant for allegations of abuse or neglect or sexual misconduct. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.

L. The District shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the ~~person~~ applicant (1) has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, ~~when~~ or (2) has had an allegation of abuse or neglect or sexual ~~assault has been~~misconduct substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the District, and before a student who is enrolled in a teacher preparation program in the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience, the District shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the District shall request that the applicant provide the District with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the District to access such information shall be considered grounds for rejecting any applicant for employment.

The District shall request information from the Registry (or its out of state equivalent) promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

A. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, (or its out of state equivalent when available), for obtaining information from the Registry.

B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF (or its out of state equivalent), with a copy to the Superintendent or designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

C. Upon receipt of Registry (or out-of-state registry) information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

D. If notification is received by the Superintendent or the Superintendent's designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information

provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if the applicant has already commenced working for the District.

III. Criminal Records Check Procedure

A. Each person hired by the District shall be required to submit to state and national criminal records checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, shall be required to submit to state and national criminal records checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure, except as noted in paragraph III.C. of this policy.

1. No later than five (5) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the any State of Connecticut law enforcement agency. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal records checks. The Superintendent or Superintendent's designee will also provide each applicant with the following notifications before the applicant obtains the applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.

2. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the any State of CT law enforcement agency. Failure of the applicant to have the applicant's fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal records checks. Fees and costs associated with the fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.

4. Upon receipt of a criminal records check indicating a previously undisclosed conviction, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal records check. The affected applicant/employee may notify the Superintendent or Superintendent's designee in writing within five (5) calendar days that the affected/employee will challenge such individual's criminal history records check. Upon written notification to the Superintendent or Superintendent's designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or Superintendent's designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or Superintendent's designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this policy, above.

B. Criminal Records Check for Substitute Teachers

A substitute teacher who is hired by the District must submit to state and national criminal history records checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history records checks for a substitute teacher have been completed within <u>one year prior to the date</u> the District hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history records checks to be forwarded to the Superintendent or Superintendent's designee, then the substitute teacher will not be required to submit to another criminal history records check at the time of such hire.

2. If a substitute teacher submitted to state and national criminal history records checks upon being hired by the District, then the substitute teacher will not be required to submit to another criminal history records check so long as the substitute teacher is <u>continuously</u>

employed by the District, that is, employed for at least one day of each school year, by the District, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

District personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the school District.

V. Credit Checks

The District may also ask a prospective employee for a credit report for employment for certain District positions, where the District's receipt of a credit report is substantially related to the employee's potential job. "Substantially related to the current or potential job" is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because of the position." Prior to asking for a credit report, the District will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the District; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the District, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or District debit or credit card; or (5) involve access to the District's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the District will provide written notification to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the District may use the information in the consumer credit report to make decisions related to the individual's employment.

The District will obtain written, signed consent before performing the credit or other background checks.

If the District intends to take an action adverse to a potential employee based on the results of a credit report, the District must provide the prospective employee with a copy of the report on which the District relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that

provides the results of the credit check. The District will give the potential employee a reasonable amount of time, i.e., at least five days, to dispute any of the information in the report prior to making any final employment decision.

If an adverse action is taken based on information from the report, the District will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the District's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the District receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the District shall send such notice to the State Board of Education. In complying with this requirement, the District shall not disseminate the results of any national criminal history records check.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the District shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of this policy, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the District, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the District.

A. During the course of an employment check, the District may not:

1. request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing a personal online account;

2. request or require that an applicant authenticate or access a personal online account in the presence of District personnel; or

3. require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to join a group affiliated with any personal online account of the applicant.

B. The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by District or by virtue of the applicant's employment relationship with the District or that the applicant uses for the District's business purposes, or

2. any electronic communications device supplied or paid for, in whole or in part, by the District.

C. In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access the applicant's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or

2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the District's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Certain Individuals

This policy shall not apply to:

A. A student employed by the District who attends a District school.

B. A person employed by the District as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for such position.

X. Falsification of Records

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act ~~24-41~~26-139, "An Act Concerning ~~Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements~~Various Revisions to the Education Statutes."

~~Public Act 19-91, "An Act Concerning Various Revisions and Additions to the Education Statutes."~~

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C.§ ~~1001~~ 6301 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*.

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# #4030.5
# Family and Medical Leave

## PURPOSE

The purpose of this policy is to apprise employees of their rights and establish guidelines for leaves taken by employees of the Madison Board of Education (the "Board"), under the federal Family and Medical Leave Act of 1993 ("Federal FMLA") and/or the Connecticut Family and Medical Leave Act ("CT FMLA") and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

## ELIGIBILITY

An employee who has been employed by the Board for at least twelve (12) months, and who has worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, is eligible for unpaid leave under the Federal FMLA. A full-time instructional employee meets the 1,250 hours of service requirement unless the Board can demonstrate that such employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

An employee working for the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes (*i.e.*, a "noncertified employee") is eligible for unpaid leave under the CT FMLA if such employee has been employed by the Board for at least three (3) months in the twelve (12) months immediately preceding the start of such leave.

## DEFNITIONS

**Genetic information**: For purposes of this policy, "genetic information" includes an individual's family medical history, an individual's or family member's genetic tests, and/or the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research which includes genetic services. "Genetic information" includes genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member utilizing assistive reproductive technology.

**Instructional employee**: For purposes of this policy, an "instructional employee" is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees. If an employee is an instructional employee, special rules governing the administration of Federal FMLA leave may apply.

**Noncertified employee**: For purposes of this policy, "noncertified employee" means an employee employed by the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes. This noncertified employee designation is relevant solely to CT FMLA eligibility and does not affect an employee's rights or obligations under the Federal FMLA.

**REASONS FOR LEAVE**

(a) Federal FMLA

Leaves under the Federal FMLA may be taken for the following reasons:

- incapacity due to pregnancy, prenatal medical care, or child birth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or for foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to care for a covered injured or ill servicemember (see below – Length of Leave – for further information); or
- to address a qualifying exigency arising out of an employee's spouse, child, or parent's military service, including one or more of the following reasons (note – more detailed information on the following categories is available from the Human Resources office):
    - short-notice deployment;
    - military events and related activities;
    - childcare and school activities;
    - financial and legal arrangements;
    - counseling;
    - rest and recuperation;
    - post-deployment activities;
    - parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty; and/or
    - additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

(b) CT FMLA

Leaves under the CT FMLA may be taken for the following reasons:

- upon the birth of the employee's newborn child, and to care for the newborn child;
- upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
- to care for the employee's family member, if such family member has a serious health condition;

- because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
- in order to serve as an organ or bone marrow donor;
- to care for an injured or ill servicemember who is the employee's spouse, parent, child or next of kin (see below – Length of Leave – for further information); or
- to address a qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under the CT FMLA, "family member" is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

**LENGTH OF LEAVE**

(a) Basic FMLA Leave Entitlement

(1) Leaves under the Federal FMLA: If a leave is requested for a Federal FMLA-qualifying reason, an employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.

(2) Leaves under CT FMLA: If a leave is requested for a CT FMLA-qualifying reason, an eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period, except that the employee may take up to two (2) additional workweeks of leave during such twelve (12)-month period for a serious health condition resulting in incapacitation that occurs during pregnancy. These additional two (2) weeks are only available during pregnancy.

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

An employee may be entitled to leave under the Federal FMLA and/or CT FMLA. To the extent an employee is eligible for and qualifies for leave under both laws, the employee's Federal FMLA and CT FMLA leave will run concurrently.

(b) Leave to Care for an Injured or Ill Servicemember

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of Federal FMLA and/or CT FMLA leave during a 12-month period to care for a covered servicemember and/or covered veteran who is the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces

or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty in the Armed Forces.

When combined with any other type of Federal FMLA or CT FMLA-qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for a servicemember with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

**TYPES OF LEAVE AND CONDITIONS**

(a) Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the Federal FMLA and/or CT FMLA.

Intermittent leave means leave taken due to a single qualifying reason in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule Federal FMLA and/or CT FMLA leave may be taken (a) when medically necessary for an employee's or covered family member's serious health condition, or for a covered servicemember's serious illness or injury, and (b) the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, Federal FMLA and/or CT FMLA leave may be taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency, or (2) to effectuate the placement of a child for adoption or foster care before the placement of the child in the home.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a covered family member or a covered servicemember, including during a period of recovery from an employee's or covered family member's serious health condition or a serious injury or illness of a covered servicemember, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested.

Under the Federal FMLA, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period), if the leave is to care for a covered family member with a serious health condition, to care for a covered servicemember with a serious injury or illness, or for the

employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration, not to exceed the duration of the planned medical treatment.

(b) Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request Federal FMLA and/or CT FMLA leave for the birth, placement of a child by adoption or for foster care, or to care for a parent (or family member, for purposes of CT FMLA leave) with a serious health condition, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for Federal and/or CT FMLA leave for other qualifying reasons in the 12-month entitlement period.

(c) Leave Taken by Instructional Employees Near the End of an Academic Term

If Federal FMLA leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that instructional employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee would return to work during the three-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins Federal FMLA leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

**REQUESTS FOR LEAVE**

(a) Foreseeable Leave

An employee must notify the HR Department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or a covered family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for Federal FMLA and/or CT FMLA leave.

(b) Unforeseeable Leave

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

**SCHEDULING PLANNED MEDICAL TREATMENT**

When planning medical treatment for foreseeable Federal FMLA and/or CT FMLA leave, an employee must consult with the Human Resources Department and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the Human Resources Department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

**REQUIRED CERTIFICATIONS/DOCUMENTATION**

For leaves taken for any Federal FMLA or CT FMLA-qualifying reason, an employee must submit completed certification form(s) supporting the need for leave. The appropriate form(s) will be provided to the employee. The employee must submit a complete and sufficient certification form(s) as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the Human Resources Department of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. Federal FMLA- and/or CT FMLA-protected leave may be delayed or denied, in accordance with applicable law, if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification from the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the Human Resources Department. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional Federal FMLA and/or CT FMLA leave (if the eligible for

such leave and such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

**USE OF PAID LEAVE**

Paid leave, which has been accrued in accordance with applicable law, the relevant collective bargaining agreement (if any), and/or Board policy ("PTO") will be substituted for any unpaid portions of family or medical leave taken for any reason that is also a qualifying reason for using such accrued paid leave. In such instance, the employee's accrued paid leave and Federal FMLA and/or CT FMLA-qualifying leave will run concurrently. The employee must satisfy any procedural requirements applicable to the use of paid leave, but only in connection with the receipt of such payment. An employee who is approved for CT FMLA leave may retain up to two weeks of their accrued paid time off that would otherwise be required to run concurrently with CT FMLA leave.

Where a noncertified employee's accrued paid leave is not substituted for the entire period of unpaid leave for a qualifying reason under the CT FMLA and/or Connecticut law regarding leave for victims of family violence and sexual assault, the employee may apply for and be provided with compensation through the Paid Family and Medical Leave Insurance Program ("CT Paid Leave") for all or part of any unpaid leave, provided the employee qualifies for payments under the program. Noncertified employees may apply to the Connecticut Paid Medical and Family Leave Insurance Authority ("Authority') for partial income replacement benefits when they need leave for (1) any of the reasons that qualify for CT FMLA; and/or (2) if an employee is a victim of family violence or sexual assault, to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim; to obtain services from a victim services organization on behalf of the victim; to relocate due to such family violence or sexual assault; or to participate in any civil or criminal proceeding related to or resulting from such family violence or sexual assault. Eligible employees shall apply directly to the Authority, which is responsible for determining an employee's eligibility for CT Paid Leave benefits and the amount of such benefit. The Board will provide the Authority with all requested information regarding an employee's application for CT Paid Leave, in accordance with applicable law.

The Board shall require employees to use applicable PTO concurrently with their CT FMLA leave, subject to their right to retain up to two weeks of accrued PTO. If, after exhausting other applicable PTO, an employee does not wish to retain two weeks of accrued PTO while on approved CT FMLA leave, the Board shall permit the employee to receive these accrued PTO benefits concurrently with their CT Paid Leave benefits, if any, provided the total compensation of such covered employee during such period of leave shall not exceed such covered employee's regular rate of compensation.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

## MEDICAL INSURANCE AND OTHER BENEFITS

During family or medical leaves approved in accordance with the Federal FMLA, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid Federal FMLA. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

Unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy.

## REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave pursuant to this policy, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

## COMPLAINTS

The Federal FMLA and CT FMLA prohibit employers from interfering with, restraining, or denying any rights provided by the respective laws. The Federal FMLA and CT FMLA also prohibit employers from terminating or discriminating against any individual for opposing any unlawful practice or being involved in any proceeding related to the Federal FMLA or CT FMLA, respectively. The CT FMLA also prohibits employers from interfering with, restraining, or denying any rights provided by CT Paid Leave and/or terminating or discriminating against an employee for applying for CT Paid Leave benefits.

An employee alleging a violation of the Federal FMLA may file a complaint with the U.S. Department of Labor, Wage and Hour Division. Such complaint should be filed within a reasonable time of when the employee discovers that the employee's Federal FMLA rights have been violated. In no event may a complaint be filed more than two (2) years after the action which is alleged to be a violation of the

Federal FMLA occurred, or three years in the case of a willful violation. An employee may also be able to bring a private civil action for violations.

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An employee alleging a violation of the CT FMLA may file a complaint with the Connecticut Department of Labor within one hundred eighty (180) calendar days of the employer action that prompted the complaint, unless good cause exists for the late filing. Upon receipt of any such complaint, the Connecticut Department of Labor Commissioner, or the Commissioner's designee, shall conduct an investigation and make a finding regarding jurisdiction and whether a violation of the CT FMLA has occurred. An employee alleging a violation of the CT FMLA may also bring a civil action in a court of competent jurisdiction against the employer within one hundred eighty (180) calendar days of the employer action alleged to be in violation of the CT FMLA. Such action may be brought by an employee without first filing an administrative complaint.

**ADDITIONAL INFORMATION**

Questions regarding family or medical leave may be directed to the Superintendent or superintendent's designee or Human Resources Department. Federal FMLA and CT FMLA do not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References:

Connecticut:

Conn. Gen. Stat. § 31-51kk et seq.

Conn. Gen. Stat. § 31-49e et seq.

Regs. Conn. State Agencies 31-51qq, et seq.

~~Public Act 25-174, "An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027"~~

Federal:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

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First Reading: November 17, 2026

# #5120.3
# Health Assessments/Screenings and Oral Health Assessments
**(formerly Health Services)**

## Health Assessments

The Madison Board of Education (the "Board') requires each student enrolled in the Madison Public Schools (the "District") to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent the student from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or the parent or guardian may provide for such assessment. No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

## Health Assessments Required

Prior to enrollment in the District, or as soon as possible thereafter, each student must undergo a health assessment, which shall include:

(a) a physical examination ~~which~~ that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (A) a check box for the provider conducting the

assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

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

Each student enrolled in the District must undergo a health assessment when entering grade six and when entering grade ten, which shall include:

(a) a physical examination ~~which~~ that includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six/seven and grade nine/ten assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health

department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board of Education shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

**Oral Health Assessments**

A. Prior to enrollment in the District, or as soon as possible thereafter, in grade six and in grade ten, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.

B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high-risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.

C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a

reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.

D. If the Board of Education hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt the child out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

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

F. IV. Athletic Health Assessments

A. Beginning with the school year commencing July 1, 2027, each student enrolled in grades nine to twelve, inclusive, must undergo an annual athletics health assessment prior to being permitted to participate in interscholastic athletics each year.

B. The athletics health assessment must include a physical examination that shall include screening for serious cardiac conditions that could lead to sudden cardiac death, which screening shall be performed in accordance with guidelines established by the American Heart Association, the American College of Cardiology or another organization focused on cardiovascular care in pediatric populations.

C. The athletics health assessment shall be recorded on a form supplied by the State Board of Education. Such form shall include the following:

1. A check box for the provider conducting the athletics assessment, to indicate any patient or family history of symptoms of such serious cardiac conditions, including, but not limited to, chest pain with exertion or unexplained syncope, and any family history of sudden cardiac death;

2. Screening questions relating to a family history of such serious cardiac issues to be answered by the parent/guardian, including, but not limited to, chest pain with exertion, unexplained syncope, sudden cardiac arrest or sudden cardiac death;

3. Any additional cardiac screening questions to be answered by such provider, as deemed necessary and appropriate by such provider; and

4. A check box for the provider conducting the athletics assessment to indicate whether the provider referred the pupil for any additional cardiac screening or treatment.

~~E.~~ D. The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

**Screenings Required**

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

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

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or

guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

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

**Assessment/Screening Results**

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments, athletic health assessments, or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. A school nurse may reject the results of an assessment or screening submitted on forms other than the forms supplied by the State Board of Education and require the resubmission of such results on the forms supplied by the State Board of Education. An asthma action plan shall be included with each assessment form that indicates an asthma diagnosis. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student transfers to another school district in Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

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

**Exemption**

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

**Other Non-Emergency Invasive Physical Examinations and Screenings**

A. In addition to the screenings listed above, the district may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).

B. A non-emergency, invasive physical examination or screening is defined as:

   1. any medical examination that involves the exposure of private body parts; or

   2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and

   3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and

   4. is not necessary to protect the immediate health and safety of the student, or of other students.

C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

**School Representative to Receive Information Concerning Health Assessments**

The Board designates the school nurse coordinator as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

**Connecticut General Statutes**

§ 10-206 Health assessments

§ 10-206a Free health assessments

§ 10-206d Oral health assessments

§ 10-208 Exemption from examination or treatment

§ 10-209 Records not to be public. Provision of reports to schools

§ 10-214 Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

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

Public Act. No. 26-1, "An Act Concerning the Reallocation of Certain State Funds and Various Provisions Relating to the Education, Public Safety, General Government, Elections, Intermediate Care Facilities and Warehouse Distribution Centers."

Public Act No. 261-1321, "An Act Concerning ~~the Department of Public Health's Recommendations Regarding~~ Various Revisions to the Public Health Statutes."

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

**Federal Law:**

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

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First Reading: November 17, 2026

# Regulation #5120.3
# Health Assessments/Screenings and Oral Health Assessments

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

## I. Immunization Requirements

In accordance with state law and accompanying regulations, the Madison Public Schools (the "District") requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction. Adequate immunization shall be determined by the District in accordance with applicable Connecticut law and the immunization requirements for students in Connecticut schools published or otherwise transmitted by the Commissioner of Public Health.

~~Among other requirements, before being permitted to enter seventh grade, the District requires each child to be vaccinated against meningococcal disease. The District further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.~~

~~Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.~~

By January 1 of each year, children aged 24-59 months enrolled in the District's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process

(A) under guidelines and schedules specified by the Commissioner of Public Health; or

(B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or

(2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to ~~Section 7 of Public Act No. 21-6~~Connecticut General Statutes 19a-7q, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or

(3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or

(5) in the case of pertussis, has passed such child's sixth birthday.

## II. Exemptions Based on Religious Beliefs

A. Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and

2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and

3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but

3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

**shall comply** with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

In accordance with state law, the Madison Board of Education ("Board") and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child's residence.

The District designates **the District Nurse Supervisor** as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf.

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes

§ 19 a-7f Child immunization standard of care and programs. Provision of vaccines by department. Vaccine policy and reporting

§ 10-204a Required immunizations

§ 10-204c Immunity from liability

Public Act No. ~~21-6~~26-3, "An Act ~~Concerning Immunizations~~Establishing Connecticut Vaccine Standards."

Regulations of Connecticut State Agencies

§ 10-204a-2a Adequate Immunization

~~Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine*, June 25, 2010.~~

~~Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.~~

~~State Department of Education, Guidance Regarding Public Act 21-6, "An Act Concerning Immunizations," May 25, 2021.~~

# #5200
# Americans with Disabilities Act/Section 504

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA"), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Madison Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the Madison Public Schools prohibit discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district's obligation includes providing access to a free appropriate public education ("FAPE") for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student's parent/guardian disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of their child, such parent/guardian has the right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the district by utilizing the grievance/complaint procedures outlined in the Board's Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111

Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact the Director of Special Education, the Section 504/ADA Coordinator for the Madison Public Schools, at 203-245-6341.

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at http://www.ed.gov/about/offices/list/ocr/504faq.html

*Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19, 2012)

*Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973,* Office for Civil Rights (July 2022), available at https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term

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# Regulation #5200
# Americans with Disabilities Act/Section 504

## Madison Board of Education Section 504/ADA Grievance/Complaint Procedures Regarding Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

### I. Definitions

**Free appropriate public education (FAPE)** for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees similarly imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating measures** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or mental impairment** is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but

is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that they have been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the district's designated Section 504/ADA Coordinator (*see* contact information below) for the Madison Public Schools (the "District") within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under the appropriate administrative regulation.

B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board's ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.

C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to the student's identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.

**D.** Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperation in the investigation of a complaint. The District will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint**.**

E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the

Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.

F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

G. If a disability discrimination complaint raises a concern about ~~bullying~~ challenging behavior or bullying, the Section 504 Coordinator shall notify the Safe School Climate ~~Specialist~~ Coordinator or designee who shall coordinate any ~~bullying~~ investigation with the Section 504 Coordinator, so as to ensure that any such ~~bullying~~ investigation complies with the requirements of applicable Board policies.

H. The complaint should contain the following information:

1. The name of the complainant;
2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witnesses or individuals relevant the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

I. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
3. Provide the complainant and the respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality

requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension.;

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures designed to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.;
10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

J. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or superintendent's designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

## III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement

Complaints regarding a student's identification, evaluation or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

A. Submission of Complaint to Section 504/ADA Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator (*see* contact information below) within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.

2. The complaint concerning a student's identification, evaluation or educational placement should contain the following information:

   a. Full name of the student, age, and grade level;
   b. Name of parent(s);
   c. Address and relevant contact information for parent/complainant;
   d. Date of complaint;
   e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
   f. Remedy requested.

   However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.

4. Upon receipt of the complaint, the Section 504/ADA Coordinator or the Coordinator's designee shall:

   a. Forward a copy of the complaint to the Superintendent of Schools;

   b. Meet with the complainant within ten (10) school days to discuss the nature of the complainant's concerns and determine if an appropriate resolution can be reached, or whether interim measures may be appropriate. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the

complaint, and no later than ten (10) school days after the start of the following school year;

c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator or designee shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and

d. Communicate the results of the investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or designee.

e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest that prevents such individual from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

B. Review by Superintendent of Schools

1. After receiving the written notice of the outcome, the Complainant shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee.

2. The decisionmaker(s) for the appeal shall review the evidence and information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

3. If the complainant is not satisfied with the decisionmaker for the appeal's decision or proposed resolution, such individual may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent or designee's decision.

C. Mediation Procedures~~:~~

1. A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student.

2. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties.

3. The request for mediation concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:

    a. Full name of the student, age, and grade level;
    b. Name of parent(s);
    c. Address and relevant contact information for parent/complainant;
    d. Date of complaint;
    e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
    f. Remedy requested.

4. Upon receipt of a request for mediation,

    a. The Section 504/ADA Coordinator shall:
        i. Forward a copy of the request for mediation to the Superintendent of Schools~~.~~; and
        ii. Inform the parent/guardian or student 18 years old or older as to whether the District agrees to mediation in writing.

    b. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").

    c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.

5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.

6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.

7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.

8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures~~:~~

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older, who disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for a due process hearing concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:

    a. Full name of the student, age, and grade level;
    b. Name of parent(s);
    c. Address and relevant contact information for parent/complainant;
    d. Date of complaint;
    e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
    f. Remedy requested.

2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the ("IDEA").

3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.

4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party's own expense, if desired.

5. The impartial hearing officer shall hear all aspects of the complainant's complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer's decision shall be final.

6. An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is

***directly related*** to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.

7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for the student's illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined above.

## IV. The Section 504/ADA Coordinator for the District is:

**Director of Special Education**
**10 Campus Drive**
**Madison, CT 06443**
**(203) 245-6341**

## V. Complaints to Federal Agencies

At any time, the complainant has the right to file a formal complaint with the:

U.S. Department of Education, Office for Civil Rights,
8th Floor, 5 Post Office Square, Suite 900,
Boston, MA 02109-0111
(617) 289-0111)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html.

**MADISON PUBLIC SCHOOLS**

**NOTICE OF PARENT/STUDENT RIGHTS**
**UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**
**AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act ("ADA" or "Title II") also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA") as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the Madison Public Schools (the "District") has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The District's obligation includes providing such eligible students a free appropriate public education ("FAPE"). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that the student has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A major life activity may also include the operation of a major bodily function, such as an individual's immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if the student does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;

2. To have your child take part in and receive benefits from the District's education programs without discrimination based on your child's disability;

3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on your child's disability;

4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;

5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;

6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;

7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;

8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;

9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;

10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;

11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;

12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;

13. To request an impartial due process hearing if you disagree with the District's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the District. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;

14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and

15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

**Director of Special Education**
**10 Campus Drive**
**Madison, CT 06443**
**(203) 245-6341**

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-0111
(617) 289-0111.