



Policy Committee

Exhibits

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Policy Summary

January 13, 2026

Policies for Review, Second Reading:

5110.4 Student Discipline

As noted above, in 2023, the General Assembly passed legislation, now codified at Connecticut General Statutes Section 10-222aa *et seq.*, making significant changes to the statutory provisions related to school climate. Among other things, the revised law contains a new definition of bullying and requires boards of education to address challenging behavior in accordance with the revised school climate law. In light of these changes, we have revised the Student Discipline policy to reflect that, when appropriate, the school district will implement strategies to address student behavior, consistent with the School Climate Policy, with or without engagement with the discipline process. The revised policy also incorporates the updated definition of bullying and the definition of challenging behavior.

In addition, the definition of a protected class has been expanded to include individuals who are victims of sexual assault or human trafficking, as required by Public Act 25-139. We also expanded the list of conduct that may lead to disciplinary action to include the use of language, imagery, symbols, or conduct that demeans, threatens, or discriminates against an individual on the basis of their membership in a protected class. Language concerning the unauthorized possession, display, or dissemination of images depicting nudity, including synthetically created images, has also been updated to reflect the federal Take It Down Act and recent changes in Connecticut law. We have also included an opportunity for boards to expand the policy's definition of generative artificial intelligence ("AI") to include more systems than ChatGPT.

Further, the revised policy incorporates new procedural requirements for suspension and expulsion hearings. Specifically, Public Act 25-93 requires school personnel to consult with the district's local homeless education liaison to determine whether a student is homeless, and, if so, to consider the impact of homelessness on the student's behavior before proceeding with suspension or expulsion.

The policy has also been updated to ensure compliance with the IDEA when a student who is eligible for special education and related services under the IDEA has been suspended for ten (10) school days in the same school year, even if not consecutive. In that circumstance, the district must provide such student with services to enable the student to continue to participate in the general education curriculum and make progress toward meeting the goals in the student's IEP.

Finally, legal references throughout the policy have been updated to reflect current statutory citations.

Policies for Review, Waive Second Reading:

4119 Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees

Passed during the 2024 legislative session, Section 40 of Public Act 24-41 authorizes a Board employee to conduct a preliminary inquiry to determine if reasonable cause exists to make a report of suspected child abuse or neglect. The Department of Children and Families ("DCF") recently updated its mandated reporter training to include information on this preliminary inquiry. The policy has been revised to specify that any such preliminary inquiry must be conducted in accordance with the DCF training. We have also updated the policy to replace the term "Safe School Climate Coordinator" with the current statutory term, "School Climate Specialist." Finally, we have revised the legal references, updated the cited statutory

definitions, and made conforming edits to the optional Appendices B and C to incorporate information provided by DCF.

5180.1 Confidentiality and Access to Education Records

Under the federal Family Educational Rights and Privacy Act (“FERPA”), the rights to access a student’s education records transfer from the parent to the student when the student turns 18 years old and becomes an “eligible” student. FERPA permits, but does not require, schools to disclose education records to parents of eligible students without the student’s consent if the parent claims the student as a dependent under Section 152 of the Internal Revenue Code. We have updated our model policy to clarify that such disclosures are permitted, but not mandatory. We have also made minor technical edits to this policy.

6130.2.2 Curricular Exemptions

State law requires boards of education to permit curricular exemptions for five specific areas of instruction, in accordance with statutory requirements. These state laws remain unchanged.

In a decision issued earlier this year by the U.S. Supreme Court, *Mahmoud v. Taylor*, 145 S.Ct. 2332 (2025), the Court ruled in favor of parents alleging that their free exercise rights were violated when a local school board in Maryland refused to permit excusal of their children from certain instruction. While the Court’s holding is narrow in scope, school officials must now consider parent requests for excusal from instruction when they claim that instruction in certain topics burdens the religious upbringing of their children. We have revised this policy to clarify that school district administration will consider requests for excusal that fall outside the five mandatory areas of exemption in accordance with applicable law.

6050 Parental Access to Instructional Material

Under current law, boards of education must establish a district curriculum committee responsible for recommending, developing, reviewing, and approving all curriculum for the district. Boards of education are also required to make approved curriculum and associated materials available to parents and guardians. Pursuant to Public Act 25-174, beginning with the 2026-2027 school year, and each school year thereafter, boards of education are required to post the objectives and scope and sequence of all approved curriculum on their website. We have revised our model policy to reflect this new requirement.

1 #5110.4

2 **Student Discipline**

3 (formerly Suspension/Expulsion/Exclusion
4 From School/School Activities)

5 It is the policy of the Madison Board of Education (the "Board") to create a school environment that
6 promotes respect of self, others, and property within the Madison Public Schools (the "District").
7 Compliance with this policy will enhance the Board and the District's ability to maintain discipline and
8 reduce interference with the educational process that can result from student misconduct. Pursuant to
9 this policy, the District shall promote the utilization of consistent discipline practices, both within and
10 across schools in the District, while also promoting the consideration of individual circumstances arising
11 in each student disciplinary matter. Where appropriate, the District utilizes strategies that teach,
12 encourage and reinforce positive student behavior Such strategies include, but are not limited to, using
13 evidence and research-based interventions, including restorative practices, and may be implemented
14 with or without imposing discipline, as appropriate. In addition to implementing this Student Discipline
15 policy, the District shall address student behavior in accordance with the Board's School Climate Policy,
16 Restorative Practices Response Policy, and any school rules, student handbook, and/or code of conduct
17 provisions regarding the same.

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20 **I. Definitions**

- 21
- 22 A. **Bullying** means unwanted and aggressive behavior among children in grades
23 kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.
- 24
- 25 B. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.
- 26
- 27 C. **Challenging Behavior** means behavior that negatively impacts school climate or
28 interferes, or is at risk of interfering, with the learning or safety of a student or the safety
29 of a school employee.
- 30
- 31 D. **Dangerous Instrument** means any instrument, article or substance which, under the
32 circumstances in which it is used or attempted or threatened to be used, is capable of causing
33 death or serious physical injury, and includes a "vehicle" or a dog that has been commanded
34 to attack.
- 35 E. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be
36 discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.
37 A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such
38 weapon is designed for violence and is capable of inflicting death or serious bodily harm. In
39 making such determination, the following factors should be considered: design of weapon;
40 how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge;
41 method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or
42 death.

43 F. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is
44 capable of immobilizing a person temporarily, but is not capable of inflicting death or serious
45 physical injury, including a stun gun or other conductive energy device.

46 G. **Emergency** means a situation in which the continued presence of the student in school poses
47 such a danger to persons or property or such a disruption of the educational process that a
48 hearing may be delayed until a time as soon after the exclusion of such student as possible.

49 H. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

50 I. **Expulsion** means the exclusion of a student from school privileges for more than ten (10)
51 consecutive school days and shall be deemed to include, but not be limited to, exclusion from
52 the school to which such student was assigned at the time such disciplinary action was taken.
53 The expulsion period may not extend beyond one (1) calendar year.

54 J. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that
55 will, is designed to, or may be readily converted to expel a projectile by the action of an
56 explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or
57 (d) any destructive device. The term firearm does not include an antique firearm. As used in
58 this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas
59 device, including a bomb, a grenade, a rocket having a propellant charge of more than four
60 ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a
61 mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which
62 the Attorney General finds is generally recognized as particularly suited for sporting purposes)
63 that will, or may be readily converted to, expel a projectile by explosive or other propellant,
64 and which has a barrel with a bore of more than $\frac{1}{2}$ " in diameter. The term "destructive device"
65 also includes any combination of parts either designed or intended for use in converting any
66 device into any destructive device and from which a destructive device may be readily
67 assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be
68 used by the owner solely for sporting, recreational, or cultural purposes; or any device which
69 is neither designed nor redesigned for use as a weapon.

70 K. **Generative Artificial Intelligence ("AI")** refers to a technology system, including but not
71 limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to
72 create content, including but not limited to text, images, audio, or video, when prompted by a
73 user.

74 L. **Protected Class Harassment** is a form of discrimination on the basis of any protected
75 characteristic (or protected class) including race, color, religion, age, sex, sexual orientation,
76 marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or
77 expression, veteran status, status as a victim of domestic violence, status as a victim of sexual
78 assault or status as a victim of trafficking in persons, or any other basis prohibited by state or
79 federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it
80 creates a hostile environment, which occurs when the harassment is sufficiently severe,
81 pervasive, or persistent so as to interfere with or limit a student's ability to participate in or
82 benefit from the services, activities, or opportunities offered by a school. Harassment does not
83 have to include intent to harm, be directed at a specific target, or involve repeated incidents.
84 Harassment against any individual on the basis of that individual's association with someone
85 in a Protected Class may be a form of Protected Class harassment.

86 M. **In-School Suspension** means an exclusion from regular classroom activity for no more than
87 five (5) consecutive school days, but not exclusion from school, provided such exclusion shall
88 not extend beyond the end of the school year in which such in-school suspension was imposed.
89 No student shall be placed on in-school suspension more than fifteen (15) times or a total of
90 fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

91 N. **Martial Arts Weapon** means a nunchaku, kama, kasari fundo, octagon sai, tonfa or Chinese
92 star.

93 O. **Removal** is the exclusion of a student from a classroom for all or part of a single class period,
94 provided such exclusion shall not extend beyond ninety (90) minutes.

95 P. **School Days** shall mean days when school is in session for students.

96 Q. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the
97 Board and includes activities conducted on or off school property.

98 R. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means
99 any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

100 S. **Suspension** means the exclusion of a student from school and/or transportation services for
101 not more than ten (10) consecutive school days, provided such suspension shall not extend
102 beyond the end of the school year in which such suspension is imposed; and further provided
103 no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school
104 year, whichever results in fewer days of exclusion, unless such student is granted a formal
105 hearing as provided below.

106 T. **Synthetically created image** means any photograph, film, videotape or other image of a
107 person that (A) is (i) not wholly recorded by a camera, or (ii) either partially or wholly
108 generated by a computer system, and (B) depicts, and is virtually indistinguishable from
109 what a reasonable person would believe is the actual depiction of, an identifiable person.

110 U. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or
111 nightstick, any dirk knife or switch knife, any knife having an automatic spring release device
112 by which a blade is released from the handle, having a blade of over one and one-half inches
113 in length, any stiletto, any knife the edged portion of the blade of which is four inches and over
114 in length, any martial arts weapon or electronic defense weapon, or any other dangerous or
115 deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut
116 General Statutes.

117 V. Notwithstanding the foregoing definitions, the reassignment of a student from one regular
118 education classroom program in the District to another regular education classroom program
119 in the District shall not constitute a suspension or expulsion.

120 W. For purposes of this policy, references to "school", "school grounds", and "classroom" shall
121 include physical educational environments, including on school transportation, as well as in
122 which students are engaged in remote learning, which means instruction by means of one or
123 more Internet-based software platforms as part of a remote learning.

124 II. **Scope of the Student Discipline Policy**

125 A. Conduct on School Grounds, on School Transportation or at a School-Sponsored Activity:

- 126 1. Suspension. Students may be suspended for conduct on school grounds, on school
127 transportation, or at any school-sponsored activity that violates a publicized policy of the
128 Board or is seriously disruptive of the educational process or endangers persons or
129 property.
- 130 2. Expulsion. Students may be expelled for conduct on school grounds, on school
131 transportation or at any school-sponsored activity that either (1) violates a publicized policy
132 of the Board and is seriously disruptive of the educational process, or (2) endangers persons
133 or property.

134 B. Conduct off School Grounds:

135 Discipline. Students may be disciplined, including suspension and/or expulsion, for
136 conduct off school grounds if such conduct *violates a* publicized policy of the Board and
137 is seriously disruptive of the educational process.

138 C. Seriously Disruptive of the Educational Process

139 In making a determination as to whether such off campus conduct is seriously disruptive
140 of the educational process, the Administration and the Board may consider, but such
141 consideration shall not be limited to, the following factors: (1) whether the incident
142 occurred within close proximity of a school; (2) whether other students from the school
143 were involved or whether there was any gang involvement; (3) whether the conduct
144 involved violence, threats of violence, or the unlawful use of a weapon, as defined in
145 Section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the
146 conduct involved the use of alcohol. The Administration and/or the Board may also
147 consider (5) whether the off-campus conduct involved the illegal use of drugs.

- 148 D. A student shall not have greater discipline, punishment, or sanction for the use, sale, or
149 possession of cannabis on school property than a student would face for the use, sale, or
150 possession of alcohol on school property, except as otherwise required by applicable law.

151 **III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or**
152 **Expulsion**

153 Conduct that is considered to violate a publicized policy of the Board of Education includes the
154 offenses described below. Any such conduct may lead to disciplinary action (including, but not
155 limited to, removal from class, suspension and/or expulsion in accordance with this policy):

- 156 1. Striking or assaulting a student, members of the school staff or other persons.
- 157 2. Theft.
- 158 3. The use of obscene or profane language or gestures,
- 159 4. The possession, display and/or dissemination of obscenity or pornographic images or the
160 unauthorized or inappropriate possession, display and/or dissemination of images, pictures or
161 photographs depicting nudity, including intimate synthetically created images.

- 162 5. Violation of smoking, dress, transportation regulations, or other regulations and/or policies
163 governing student conduct.
- 164 6. Refusal to obey a member of the school staff, law enforcement authorities, or school
165 volunteers, or disruptive classroom behavior.
- 166 7. The use of one or more of the following: objectively offensive racial, ethnic, or religious epithets
167 (or epithets commonly associated with any Protected Class membership, including but not
168 limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
169 other words or phrases commonly considered demeaning or degrading on the basis of Protected
170 Class membership; display of images or symbols commonly associated with discrimination
171 against individuals on the basis of their membership in a Protected Class; graphic, written or
172 electronic communications that are harmful, or humiliating based on Protected Class
173 membership; bigoted conduct or communications; and/or physical, written, electronic or verbal
174 threats based on Protected Class membership.
- 175 8. Any act of Protected Class Harassment or reprisal or retaliation against any individual for
176 reporting in good faith incidents of Protected Class Harassment, or who participate in the
177 investigation of such reports.
- 178 9. Refusal by a student to respond to a staff member's request for the student to provide the
179 student's name to a staff member when asked, misidentification of oneself to such person(s),
180 lying to school staff members or otherwise engaging in dishonest behavior.
- 181 10. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school
182 grounds, on school transportation, or at a school-sponsored activity.
- 183 11. A walk-out from or sit-in within a classroom or school building or school grounds.
- 184 12. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that
185 could be construed to constitute blackmail, a threat, or intimidation, regardless of whether
186 intended as a joke), including the use of AI to engage in such conduct.
- 187 13. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic
188 defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun,
189 air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not,
190 or any other dangerous object or instrument. The possession and/or use of any object or
191 device that has been converted or modified for use as a weapon.
- 192 14. Possession of any ammunition for any weapon described above in paragraph 11.
- 193 15. Unauthorized entrance into any school facility or portion of a school facility or aiding or
194 abetting an unauthorized entrance.
- 195 16. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition
196 of any material causing a fire. Possession of any materials designed to be used in the ignition
197 of combustible materials, including matches and lighters.
- 198 17. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery
199 systems (e.g. e-cigarettes), electronic cannabis delivery system, or vapor products, or the

200 unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic
201 beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item
202 represented to be tobacco, drugs or alcoholic beverages), including being under the influence
203 of any such substances or aiding in the procurement of any such substances. For the purposes
204 of this Paragraph 17, the term "electronic nicotine delivery system" shall mean an electronic
205 device used in the delivery of nicotine or other substances to a person inhaling from the
206 device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic
207 cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or
208 other component of such device, including, but not limited to, electronic cigarette liquid. For
209 purposes of Paragraph 17, the term "electronic cannabis delivery system" shall mean an
210 electronic device that may be used to simulate smoking in the delivery of cannabis to a person
211 inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic
212 hookah and any related device and any cartridge or other component of such device. For the
213 purposes of Paragraph 17, the term "vapor product" shall mean any product that employs a
214 heating element, power source, electronic circuit or other electronic, chemical or mechanical
215 means, regardless of shape or size, to produce a vapor that may or may not include nicotine
216 and is inhaled by the user of such product. For the purposes of this Paragraph 17, the term
217 "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and
218 non-prescription) and any controlled substance whose possession, sale, distribution, use or
219 consumption is illegal under state and/or federal law, including cannabis.

- 220 18. Sale, distribution, or consumption of substances contained in household items; including, but
221 not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as
222 the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing
223 a stimulant, depressant, hallucinogenic or mind-altering effect.
- 224 19. Possession of paraphernalia used or designed to be used in the consumption, sale or
225 distribution of drugs, alcohol or tobacco, as described in subparagraph (17) above. For
226 purposes of this policy, drug paraphernalia includes any equipment, products and materials
227 of any kind which are used, intended for use or designed for use in planting, propagating,
228 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
229 processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or
230 concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or
231 controlled substances into the human body, including but not limited to items such as
232 "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used,
233 intended or designed for use in storing, concealing, possessing, distributing or selling
234 controlled drugs or controlled substances, including cannabis.
- 235 20. The destruction of real, personal or school property, such as, cutting, defacing or otherwise
236 damaging property in any way.
- 237 21. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or
238 failure to attend detention.
- 239 22. Trespassing on school grounds while on out-of-school suspension or expulsion.
- 240 23. Making false bomb threats or other threats to the safety of students, employees, and/or other
241 persons.

- 242 24. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other
243 employees and/or law enforcement authorities.
- 244 25. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized
245 by school employees responsible for student supervision.
- 246 26. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school
247 grounds or at any school-sponsored activity.
- 248 27. Leaving school grounds, school transportation or a school-sponsored activity without
249 authorization.
- 250 28. Use of or copying of the academic work of another individual and presenting it as the
251 student's own work, without proper attribution; the unauthorized use of AI for the completion
252 of class assignments; or any other form of academic dishonesty, cheating or plagiarism.
- 253 29. Possession and/or use of a cellular telephone, radio, portable audio player, CD player,
254 blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device,
255 or similar electronic device, on school grounds, on school transportation, or at a school-
256 sponsored activity in violation of Board policy and/or administrative regulations regulating
257 the use of such devices.
- 258 30. Possession and/or use of a beeper or paging device on school grounds, on school
259 transportation, or at a school-sponsored activity without the written permission of the
260 principal or designee.
- 261 31. Unauthorized use of or tampering with any school computer, computer system, computer
262 software, Internet connection or similar school property or system, or the use of such property
263 or system for inappropriate purposes, including using AI in a manner that disrupts or
264 undermines the effective operation of the school district or is otherwise seriously disruptive
265 to the educational process.
- 266 32. Possession and/or use of a laser pointer, unless the student possesses the laser pointer
267 temporarily for an educational purpose while under the direct supervision of a responsible
268 adult.
- 269 33. Hazing.
- 270 34. Challenging behavior, including, but not limited to, bullying, as defined in the Board's
271 School Climate Policy and above. 35. Cyberbullying, defined as any act of bullying through
272 the use of the Internet, interactive and digital technologies, cellular mobile telephone or other
273 mobile electronic devices or any electronic communications.
- 274 36. Acting in any manner that creates a health and/or safety hazard for employees, students, third
275 parties on school property or the public, regardless of whether the conduct is intended as a
276 joke, including but not limited to violating school or district health and safety protocols
277 developed in connection with the COVID-19 pandemic, such as, but not limited to, physical
278 distancing and mask-wearing requirements.

- 279 37. Engaging in a plan to stage or create a violent situation for the purposes of recording it by
280 electronic means; or recording by electronic means acts of violence for purposes of later
281 publication (other than to school officials).
- 282 38. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic
283 means; or recording by electronic means sexual acts for purposes of later publication.
- 284 39. Using computer systems, including email, remote learning platforms, instant messaging, text
285 messaging, blogging, or the use of social networking websites, AI, or other forms of
286 electronic communications, to engage in any conduct prohibited by this policy.
- 287 40. Use of a privately owned electronic or technological device in violation of school rules,
288 including the unauthorized recording (photographic or audio) of another individual without
289 permission of the individual or a school employee.
- 290 41. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse,
291 including stalking, harassing and threatening, which occurs between two students who are
292 currently in or who have recently been in a dating relationship.
- 293 42. Any action prohibited by any Federal or State law.
- 294 43. Any other violation of school rules or regulations or a series of violations which makes the
295 presence of the student in school seriously disruptive of the educational process and/or a
296 danger to persons or property.

297 **IV. Discretionary and Mandatory Expulsions**

- 298 A. An administrator responsible for a school program (“responsible administrator”) may consider
299 recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where
300 the responsible administrator has reason to believe the student has engaged in conduct
301 described at Sections II.A. or II.B., above.
- 302 B. A responsible administrator must recommend expulsion proceedings in all cases against any
303 student in grades kindergarten to twelve, whom the District Administration has
304 reason to believe:
 - 305 1. was in possession on school grounds, on school transportation, or at a school-sponsored
306 activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as
307 defined in 18 U.S.C. § 921 as amended from time to time; or
 - 308 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn.
309 Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly
310 weapon, a dangerous instrument or a martial arts weapon in the commission of a crime
311 under chapter 952 of the Connecticut General Statutes; or
 - 312 3. was engaged on or off school grounds or school transportation in offering for sale or
313 distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose
314 manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with
315 intent to sell or dispense, offering or administering is subject to criminal penalties under

316 Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or Distribution of less than one (1) kilogram
317 of cannabis is not subject to mandatory expulsion.

318 The terms “dangerous instrument,” “deadly weapon,” electronic defense weapon,” “firearm,”
319 and “martial arts weapon,” are defined above in Section I.

- 320 C. In any preschool program provided by the Board of Education or provided by a regional
321 educational service center or a state or local charter school pursuant to an agreement with the
322 Board of Education, no student enrolled in such a preschool program shall be expelled from
323 such preschool program, except an expulsion hearing shall be conducted by the Board of
324 Education in accordance with Section VIII of this policy whenever the Administration has
325 reason to believe that a student enrolled in such preschool program was in possession of a
326 firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds,
327 on school transportation, or at a preschool program-sponsored event. The term “firearm” is
328 defined above in Section I.
- 329 D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry
330 concerning the expulsion recommendation. If the Superintendent or designee determines that
331 a student should or must be expelled, student shall forward such recommendation to the Board
332 of Education so that the Board can consider and act upon this recommendation.
- 333 E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the
334 policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1)
335 full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and
336 to expel a student enrolled in a preschool program for one (1) calendar year for the conduct
337 described in Section IV.C. For any mandatory expulsion offense, the Board may modify the
338 term of expulsion on a case-by-case basis.

V. Procedures Governing Behavior that Causes a Serious Disruption

- 341 A. A school principal or other school administrator shall notify a parent or guardian of a
342 student whose behavior has caused a serious disruption to the instruction of other
343 students; caused self-harm; or caused physical harm to a teacher, another student, or other
344 school employee not later than twenty-four (24) hours after such behavior occurs.
- 345 B. Such notice shall include, but not be limited to, informing such parent or guardian that
346 the teacher of record in the classroom in which such behavior occurred may request a
347 behavior intervention meeting.
- 349 C. If the teacher of record in the classroom ultimately requests a behavior intervention
350 meeting with the crisis intervention team for the school, the parent or guardian must be
351 notified that such meeting will occur.
- 353 D. If a behavior intervention meeting occurs, the crisis intervention team shall, not later than
354 seven (7) days after the behavior intervention meeting, provide to the parent or guardian
355 of such student, in the dominant language of such parent or guardian, a written summary
356 of such meeting, including, but not limited to, the resources and supports identified.

358

359 **VI. Procedures Governing Removal from Class**

- 360 A. A student may be removed from class by a teacher or administrator if the student deliberately
361 causes a serious disruption of the educational process. When a student is removed by a teacher,
362 the teacher must send the student to a designated area and notify the responsible administrator or
363 administrator's designee at once.
- 364 B. A student may not be removed from class more than six (6) times in one school year nor more
365 than twice in one week unless the student is referred to the responsible administrator or
366 administrator's designee and granted an informal hearing at which the student should be
367 informed of the reasons for the disciplinary action and given an opportunity to explain the
368 situation.
- 369 C. The parents or guardian of any minor student removed from class shall be given notice of such
370 disciplinary action within twenty-four (24) hours of the time of the institution of such removal
371 from class.

372 **VII. Procedures Governing Suspension**

- 373 A. The responsible administrator or administrator's designee, shall have the right to suspend a
374 student for breach of conduct as noted in Section II of this policy for not more than five (5)
375 consecutive in-school day; ten (10) consecutive school days for an out-of-school suspension
376 for students in grades three through twelve, inclusive; or five (5) consecutive school days for
377 an out-of-school suspension for students in grades preschool to two, inclusive. In cases where
378 suspension is contemplated, the following procedures shall be followed.
- 379 1. Unless an emergency situation exists, no student shall be suspended prior to having an
380 informal hearing before the responsible administrator or administrator's designee at which
381 the student is informed of the charges and given an opportunity to respond. In the event of
382 an emergency, the informal hearing shall be held as soon after the suspension as possible.
- 383 2. Prior to conducting the informal hearing referenced above, an administrator, school
384 counselor or school social worker at the student's school must contact the District's
385 Homeless Education Liaison to determine whether the student is a homeless child or youth,
386 as defined by the McKinney-Vento Homeless Assistance Act. If a student is determined to
387 be a homeless child or youth, the responsible administrator or the administrator's designee
388 must consider the impact of homelessness on the student's behavior during the informal
389 hearing.
- 390 3. If suspended, such suspension shall be an in-school suspension, except the responsible
391 administrator or administrator's designee may impose an out-of-school suspension on any
392 pupil:
- 393 a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible
394 administrator or administrator's designee determines that the student poses such a
395 danger to persons or property or such a disruption of the educational process that
396 student should be excluded from school during the period of suspension; or (ii) the

397 responsible administrator or administrator's designee determines that an out-of-school
398 suspension is appropriate based on evidence of (A) the student's previous disciplinary
399 problems that have led to suspensions or expulsion of such student, and (B) previous
400 efforts by the Administration to address the student's disciplinary problems through
401 means other than out-of-school suspension or expulsion, including positive behavioral
402 support strategies, or

- 403 b. in grades preschool to two, inclusive, if the responsible administrator or administrator's
404 designee (A) determines that an out-of-school suspension is appropriate for such
405 student based on evidence that such student's conduct on school grounds is behavior
406 that causes physical harm, (B) requires that such pupil receives services that are trauma-
407 informed and developmentally appropriate and align with any behavioral intervention
408 plan, individualized education program or plan pursuant to Section 504 of the
409 Rehabilitation Act of 1973, as amended from time to time, for such pupil upon such
410 pupil's return to school immediately following the out-of-school suspension, and (C)
411 considers whether to convene a planning and placement team meeting for the purposes
412 of conducting and evaluation of the student.

413

- 414 4. Evidence of past disciplinary problems that have led to removal from a classroom,
415 suspension, or expulsion of a student who is the subject of an informal hearing may be
416 received by the responsible administrator or the administrator's designee, but only
417 considered in the determination of the length of suspensions.
- 418 5. By telephone, the responsible administrator or the administrator's designee shall make
419 reasonable attempts to immediately notify the parent or guardian of a minor student
420 following the suspension and to state the cause(s) leading to the suspension.
- 421 6. Whether or not telephone contact is made with the parent or guardian of such minor student,
422 the responsible administrator or administrator's designee shall forward a letter promptly to
423 such parent or guardian to the last address reported on school records (or to a newer address
424 if known by the responsible administrator or administrator's designee), offering the parent
425 or guardian an opportunity for a conference to discuss same.
- 426 7. In all cases, the parent or guardian of any minor student who has been suspended shall be
427 given notice of such suspension within twenty-four (24) hours of the time of the institution
428 of the suspension.
- 429 8. Not later than twenty-four (24) hours after the commencement of the suspension, the
430 responsible administrator or administrator's designee shall also notify the Superintendent
431 or designee of the name of the student being suspended and the reason for the suspension.
- 432 9. The student shall be allowed to complete any classwork, including examinations, without
433 penalty, which the student missed while under suspension.
- 434 10. The school Administration may, in its discretion, shorten or waive the suspension period
435 for a student who has not previously been suspended or expelled, if the student completes
436 an Administration-specified program and meets any other conditions required by the

Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program. The Superintendent may delegate this authority to building or program level administrators.

11. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VII.A(10), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration. The Superintendent may delegate this authority to building or program level administrators.

12. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

13. The decision of the responsible administrator or administrator's designee with regard to disciplinary actions up to and including suspensions shall be final.

14. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the responsible administrator or the administrator's designee specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The responsible administrator or administrator's designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VIII. Procedures Governing In-School Suspension

- A. The responsible administrator or administrator's designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the responsible administrator or administrator's designee.
 - B. In-school suspension may not be imposed on a student without an informal hearing by the responsible administrator or administrator's designee.
 - C. In-school suspension may be served in the school or program that the student regularly attends or in any other school building within the jurisdiction of the Board.

476 D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total
477 of fifty (50) days in one school year, whichever results in fewer days of exclusion.

478 E. The parents or guardian of any minor student placed on in-school suspension shall be given
479 notice of such suspension within twenty-four (24) hours of the time of the institution of the
480 period of the in-school suspension.

481 **IX. Procedures Governing Expulsion Hearing**

482 A. Emergency Exception

483 Except in an emergency situation, the Board of Education shall, prior to expelling any student,
484 conduct a hearing to be governed by the procedures outlined herein and consistent with the
485 requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as
486 well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen.
487 Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided
488 for herein shall be held as soon as possible after the expulsion.

489 B. Hearing Panel:

490 Expulsion hearings conducted by the Board will be heard by any three or more Board members.
491 A decision to expel a student must be supported by a majority of the Board members present,
492 provided that no less than three (3) affirmative votes to expel are cast.

493 Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more
494 persons to hear and decide the expulsion matter, provided that no member of the Board may
495 serve on such panel.

496 C. Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):

497 1. Written notice of the expulsion hearing must be given to the student, and, if the student is
498 a minor, to student's parent(s) or guardian(s) at least five (5) business days before such
499 hearing.

500 2. A copy of this Board policy on student discipline shall also be given to the student, and if
501 the student is a minor, to student's parent(s) or guardian(s), at the time the notice is sent
502 that an expulsion hearing will be convened.

503 3. The written notice of the expulsion hearing shall inform the student of the following:

504 a. The date, time, place and nature of the hearing, including if the hearing will be held
505 virtually, via video conference.

506 b. The legal authority and jurisdiction under which the hearing is to be held, including a
507 reference to the particular sections of the legal statutes involved.

508 c. A short, plain description of the conduct alleged by the Superintendent or
509 Superintendent's designee.

- d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
 - e. The student may cross-examine witnesses called by the Superintendent or Superintendent's Designee.
 - f. The student may be represented by an attorney or other advocate of student's choice at the student's expense or at the expense of student's parent(s) or guardian(s).
 - g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or student's parent(s) or guardian(s) requires the services of an interpreter because student(s) do(es) not speak the English language or is(are) disabled.
 - h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
 - i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.
 - j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

4. Prior to conducting the expulsion hearing, an administrator, school counselor, or school social worker at the student's school must contact the District's Homeless Education Liaison to determine whether the student is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act.

D. Hearing Procedures:

 - 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the Superintendent or Superintendent's designee or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.
 - 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape or digital recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
 - 3. The Superintendent or Superintendent's designee shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
 - 4. Formal rules of evidence will not be followed. The Board (or the impartial board) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to

its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial, irrelevant, and/or any other objections to its submission.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or the impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.
 6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.
 7. Each witness for the Superintendent or Superintendent's designee will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members (or the impartial board).
 8. The student shall not be compelled to testify at the hearing.
 9. After the Superintendent or Superintendent's designee has presented its case, the student will be asked if they have any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Superintendent or Superintendent's designee, the Presiding Officer and/or by the Board (or the impartial board). The student may also choose to make a statement at this time. If the student chooses to make a statement, they will be sworn and subject to cross examination and questioning by the Superintendent or Superintendent's designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding statements will be made by the Superintendent or Superintendent's designee and then by the student and/or the student's representative.
 10. In cases where the student has denied the allegation, the Board (or the impartial board) must determine whether the student committed the offense(s) as charged by the Superintendent or Superintendent's designee.
 11. If the Board (or the impartial board) determines that the student has committed the conduct as alleged, then the Board (or the impartial board) shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.
 12. When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as provided in Section VII.A , (10), (11), (12) above, and Section X, below. The Board (or the impartial board) may ask the Superintendent or Superintendent's designee for a recommendation as to the discipline to be imposed.
 13. Evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board (or the impartial

587 board) is considering length of expulsion and nature of alternative educational opportunity
588 to be offered.

- 589 14. If a student is determined to be a homeless child or youth as described in Subsection
590 IX.C(4), the Board (or the impartial board) must consider the impact of homelessness on
591 the student's behavior. Such student may not be expelled without a plan of interventions
592 and supports to mitigate the impact of homelessness on the student's behavior. If the
593 student is identified as a homeless child or youth and is expelled more than one time, the
594 student shall be provided a meeting with the District's Homeless Education Liaison.
- 595 15. Where administrators presented the case in support of the charges against the student,
596 neither such administrative staff nor the Superintendent or Superintendent's designee shall
597 be present during the deliberations of the Board (or the impartial board) either on questions
598 of evidence or on the final discipline to be imposed. The Superintendent or
599 Superintendent's designee may, after reviewing the incident with administrators, and
600 reviewing the student's records, make a recommendation to the Board (or the impartial
601 board) as to the appropriate discipline to be applied.
- 602 16. The Board (or the impartial board) shall make findings as to the truth of the charges, if the
603 student has denied them; and, in all cases, the disciplinary action, if any, to be imposed.
604 While the hearing itself is conducted in executive session, the vote regarding expulsion
605 must be made in open session and in a manner that preserves the confidentiality of the
606 student's name and other personally identifiable information.
- 607 17. Except for a student who has been expelled based on possession of a firearm or deadly
608 weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial
609 board) may, in its discretion, shorten or waive the expulsion period for a student who has
610 not previously been suspended or expelled, if the student completes a Board-specified
611 program and meets any other conditions required by the Board (or the impartial board).
612 The Board-specified program shall not require the student and/or the student's parents to
613 pay for participation in the program.
- 614 18. The Board (or the impartial board) shall report its final decision in writing to the student,
615 or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on
616 which the decision is based, and the disciplinary action to be imposed. Said decision shall
617 be based solely on evidence presented at the hearing. The parents or guardian or any minor
618 student who has been expelled shall be given notice of such disciplinary action within
619 twenty-four (24) hours of the time of the institution of the period of the expulsion.
- 620 19. The hearing may be conducted virtually, via video conference, at the direction of the Board
621 (or the impartial board), in the event school buildings are closed to students or individuals
622 are provided limited access to school buildings due to a serious health or other emergency.
623 Any virtual hearing must provide the student the due process rights identified in this
624 Subsection D.
- 625 E. Presence on School Grounds, on School Transportation, and Participation in School-
626 Sponsored Activities During Expulsion:

627 During the period of expulsion, the student shall not be permitted to be on school property or
628 on school transportation and shall not be permitted to attend or participate in any school-
629 sponsored activities, except for the student's participation in any alternative educational
630 opportunity provided by the district in accordance with this policy, unless the Superintendent
631 or Superintendent's specifically provides written permission for the student to enter school
632 property or school transportation for a specified purpose or to participate in a particular school-
633 sponsored activity.

634 F. Stipulated Agreements:

635 In lieu of the procedures used in this Section, the Superintendent or Superintendent's designee
636 and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a
637 Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length
638 and conditions of expulsion. Such Joint Stipulation and Recommendation shall include
639 language indicating that the parent(s) or legal guardian(s) understand their right to have an
640 expulsion hearing held pursuant to these procedures, and language indicating that the Board,
641 in its discretion, has the right to accept or reject the Joint Stipulation of Facts and
642 Recommendation. If the Board (or the impartial board) rejects either the Joint Stipulation of
643 Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures
644 outlined herein. If the Student is eighteen years of age or older, the student shall have the
645 authority to enter into a Joint Stipulation on the student's own behalf.

646 If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent
647 or Superintendent's designee and the parents (or legal guardians) of a student facing expulsion
648 may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation
649 of the Facts to the Board (or the impartial board) in lieu of holding the first part of the hearing,
650 as described above. Such Joint Stipulation shall include language indicating that the parents
651 and/or student over the age of 18 understand their right to have a hearing to determine whether
652 the student engaged in the alleged misconduct and that the Board, in its discretion, has the right
653 to accept or reject the Joint Stipulation of Facts. If the Board (or the impartial board) rejects
654 the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures
655 outlined herein.

656 X. **Alternative Educational Opportunities for Expelled Students**

657 A. Students under sixteen (16) years of age:

658 Whenever the Board of Education expels a student under sixteen (16) years of age, it shall
659 offer any such student an alternative educational opportunity.

660 B. Students sixteen (16) to eighteen (18) years of age:

661 1. The Board of Education shall provide an alternative educational opportunity to a sixteen
662 (16) to eighteen (18) year-old student expelled for the first time if the student requests it
663 and if the student agrees to the conditions set by the Board (or the impartial board). Such
664 alternative educational opportunity may include, but shall not be limited to, the placement
665 of a student who is at least seventeen years of age in an adult education program. Any
666 student participating in an adult education program during a period of expulsion shall not

be required to withdraw from school as a condition to participation in the adult education program.

2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.
 3. The Board of Education shall count the expulsion of a student when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such student when the student is between the ages of sixteen and eighteen.

C. Students eighteen (18) years of age or older:

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. Content of Alternative Educational Opportunity

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

E. Students identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”):

Notwithstanding Subsections IX.A. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

F. Students for whom an alternative educational opportunity is not required:

The Board of Education may offer an alternative educational opportunity to a student for whom such alternative educational opportunity is not required by law or as described in this policy.

705 In such cases, the Board, or if delegated by the Board, the Administration, shall determine the
706 components, including nature, frequency and duration of such services, of any such alternative
707 educational opportunity.

708 **XI. Notice of Student Expulsion on Cumulative Record**

709 Notice of expulsion and the conduct for which the student was expelled shall be included on the
710 student's cumulative educational record. Such notice, except for notice of an expulsion of a
711 student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly
712 weapon, shall be expunged from the cumulative educational record by the District if the student
713 graduates from high school.

714 In cases where the student's period of expulsion is shortened or waived in accordance with
715 Section VIII.D(17), above, the Board may choose to expunge the expulsion notice from the
716 cumulative record at the time the student completes the Board-specified program and meets any
717 other conditions required by the Board. Except as may be specified by the Board in an expulsion
718 hearing decision, the Board delegates the authority to make decisions pertaining to expungement
719 to the Superintendent.

720 If a student's period of expulsion was not shortened or waived, the Board may choose to
721 expunge the expulsion notice from the student's cumulative record prior to graduation if such
722 student has demonstrated to the Board that the student's conduct and behavior in the years
723 following such expulsion warrants an expungement. In deciding whether to expunge the
724 expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary
725 problems that have led to removal from a classroom, suspension or expulsion of the student.
726 Except as may be specified by the Board in an expulsion hearing decision, the Board delegates
727 the authority to make decisions pertaining to expungement to the Superintendent.

728 If the student has not previously been suspended or expelled, and the Administration chooses to
729 expunge the expulsion notice from the student's cumulative record prior to graduation, the
730 Administration may refer to the existence of the expunged notice, notwithstanding the fact that
731 such notice may have been expunged from the student's cumulative file, for the limited purpose
732 of determining whether any subsequent suspension or expulsion by the student would constitute
733 the student's first such offense.

734 **XII. Change of Residence During Expulsion Proceedings**

735 A. Student moving into the District:

- 736 1. If a student enrolls in the District while an expulsion hearing is pending in another
737 public school district, such student shall not be excluded from school pending
738 completion of the expulsion hearing unless an emergency exists, as defined
739 above. The Board shall retain the authority to suspend the student or to conduct
740 its own expulsion hearing. The procedures outlined above in Section VIII and
741 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.
742 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform
743 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-
744 181a shall be utilized for any hearing conducted under this section.

- 747 2. Where a student enrolls in the district during the period of expulsion from another
748 public school district, the Board may adopt the decision of the student expulsion
749 hearing conducted by such other school district. The student shall be excluded
750 from school pending such hearing. The excluded student shall be offered an
751 alternative educational opportunity in accordance with statutory requirements.
752 The Board (or the impartial board) shall make its determination pertaining to
753 expulsion based upon a hearing held by the Board (or the impartial board), which
754 hearing shall be limited to a determination of whether the conduct which was the
755 basis of the previous public school district's expulsion would also warrant
756 expulsion by the Board. The procedures outlined above in Section VIII and
757 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.
758 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform
759 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-
760 181a shall be utilized for any hearing conducted under this section.

761

762 B. Student moving out of the District:

763 Where a student withdraws from school after having been notified that an expulsion hearing is
764 pending, but before a decision has been rendered by the Board, the notice of the pending
765 expulsion hearing shall be included on the student's cumulative record and the Board shall
766 complete the expulsion hearing and render a decision. If the Board subsequently renders a
767 decision to expel the student, a notice of the expulsion shall be included on the student's
768 cumulative record.

769 **XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for**
770 **Services under the Individuals with Disabilities Education Act ("IDEA")**

771 A. Suspension of IDEA students:

772 Notwithstanding the foregoing, if a responsible administrator suspends a student identified as
773 eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of
774 conduct of the District that applies to all students, the following procedures shall apply:

- 775 1. The responsible administrator shall make reasonable attempts to immediately notify the
776 parents of the student of the decision to suspend on the date on which the decision to
777 suspend was made, and a copy of the special education procedural safeguards must either
778 be hand-delivered or sent by mail to the parents on the date that the decision to suspend
779 was made.
- 780 2. During the period of suspension, the District is not required to provide any educational
781 services to the IDEA student beyond that which is provided to all students suspended by the
782 District, except as set forth in subsection (3) below.
- 783 3. If an IDEA student is being suspended and that student has already been removed from
784 their current placement for ten (10) school days in the same school year, school personnel, in
785 consultation with at least one of the student's teachers, must determine the extent to which
786 services are needed so as to enable the student to continue to participate in the general
787 education curriculum, although in another setting, and to progress toward meeting the goals

set out in the student's IEP, so long as the suspension does not constitute a change in placement. If the suspension constitutes a change in placement, subsection (B) below will apply.

B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the District that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).
 2. The District shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of the student's disability.
 3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
 4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
 5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
 6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the responsible administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

824 C. Removal of Special Education Students for Certain Offenses:

- 825 1. A responsible administrator may remove a student eligible for special education under the
826 IDEA to an appropriate interim alternative educational setting for not more than forty-five
827 (45) school days if the student:
828 a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as
829 amended from time to time, on school grounds, on school transportation or at a school-
830 sponsored activity, or
831 b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled
832 substance while at school, on school transportation or at a school-sponsored activity;
833 or
834 c. Has inflicted serious bodily injury upon another person while at school, on school
835 premises, on school transportation or at a school function.
- 836 2. The following definitions shall be used for this subsection XII.C.:
837 a. **Dangerous weapon** means a weapon, device, instrument, material, or substance,
838 animate or inanimate, that is used for, or is readily capable of, causing death or serious
839 bodily injury, except that such term does not include a pocket knife with a blade of less
840 than 2.5 inches in length.
841 b. **Controlled substance** means a drug or other substance identified under schedules I, II,
842 III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
843 c. **Illegal drug** means a controlled substance but does not include a substance that is
844 legally possessed or used under the supervision of a licensed health-care professional
845 or that is legally possessed or used under any other authority under the Controlled
846 Substances Act or under any other provision of federal law.
847 d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of
848 death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D)
849 protracted loss or impairment of the function of a bodily member, organ, or mental
850 faculty.

851 **XIV. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of**
852 **the Rehabilitation Act of 1973 (“Section 504”)**

- 853 A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if
854 the Administration recommends for expulsion a student identified as eligible for educational
855 accommodations under Section 504 who has violated any rule or code of conduct of the District
856 that applies to all students, the following procedures shall apply:
857 1. The parents of the student must be notified of the decision to recommend the student for
858 expulsion.
859 2. The District shall immediately convene the student’s Section 504 team (“504 team”) for
860 the purpose of reviewing the relationship between the student’s disability and the behavior

861 that led to the recommendation for expulsion. The 504 team will determine whether the
862 student's behavior was a manifestation of the student's disability.

863 3. If the 504 team finds that the behavior was a manifestation of the student's disability, the
864 Administration shall not proceed with the recommended expulsion.

865 4. If the 504 team finds that the behavior was not a manifestation of the student's disability,
866 the Administration may proceed with the recommended expulsion.

867 B. The Board may take disciplinary action for violations pertaining to the use or possession of
868 illegal drugs or alcohol against any student with a disability who currently is engaging in the
869 illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against
870 nondisabled students. Thus, when a student with a disability is recommended for expulsion
871 based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be*
872 *required to meet* to review the relationship between the student's disability and the behavior
873 that led to the recommendation for expulsion.

874 **XV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center**

875 A. Any student who commits an expellable offense and is subsequently placed in a juvenile
876 detention center or any other residential placement for such offense may be expelled by the
877 Board in accordance with the provisions of this section. The period of expulsion shall run
878 concurrently with the period of placement in a juvenile detention center or other residential
879 placement.

880 B. If a student who committed an expellable offense seeks to return to the District after
881 participating in a diversionary program or having been placed in a juvenile

882 detention center or any other residential placement and such student has not been expelled by the
883 board of education for such offense under subdivision (A) of this subsection, the Board shall
884 allow such student to return and may not expel the student for additional time for such offense.

885 **XVI. Early Readmission to School**

886 An expelled student may apply for early readmission to school. The Board delegates the authority
887 to make decisions on readmission requests to the Superintendent. Students desiring readmission
888 to school shall direct such readmission requests to the Superintendent. The Superintendent has the
889 discretion to approve or deny such readmission requests, and may condition readmission on
890 specified criteria.

891 **XVII. Dissemination of Policy**

892 The District shall, at the beginning of each school year and at such other times as it may deem
893 appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s)
894 of this policy.

895 **XVIII. Compliance with Documentation and Reporting Requirements**

896 A. The District shall include on all disciplinary reports the individual student's state-assigned
897 student identifier (SASID).

- 898 B. The District shall report all suspensions and expulsions to the State Department of Education.
- 899 C. If the Board of Education expels a student for sale or distribution of a controlled substance, as
900 defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription,
901 dispensing, transporting or possessing with the intent to sell or dispense, offering, or
902 administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-
903 278, the District shall refer such student to an appropriate state or local agency for
904 rehabilitation, intervention or job training and inform the agency of its action.
- 905 D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C.
906 § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn.
907 Gen. Stat. § 53a-3, the District shall report the violation to the local police.

908 **Legal References:**

909 Connecticut General Statutes:

- 910
- 911 [§ 10-15c Discrimination in public schools prohibited. School attendance by five-year olds](#)
- 912
- 913
- 914 § 10-16 Length of school year
- 915
- 916 § 10-74j Alternative education
- 917
- 918 §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
- 919
- 920 [§ 10-222aa through 10-222kk School Climate](#)
- 921
- 922 §§ 10-233a through 10-233f Suspension and expulsion of students
- 923
- 924 § 10-233l Expulsion and suspension of children in preschool programs
- 925 [§ 10-236c Disruptive or harmful behavior. Behavior intervention meetings for certain students. Notice to parents](#)
- 926
- 927
- 928 § 10-253 School privileges for children in certain placements, nonresident children,
929 children in temporary shelters, homeless children and children in juvenile
930 detention facilities. Liaison to facilitate transitions between school districts
931 and juvenile and criminal justice systems.
- 932
- 933 § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited.
934 Exceptions. Signage required. Penalties
- 935
- 936 § 21a-240 Definitions
- 937
- 938 § 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- 939
- 940 § 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or
941 administration by non-drug-dependent person

942
943 §§ 21a-408a through 408p Palliative use of marijuana
944
945 § 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions
946
947 § 29-38 Weapons in vehicles
948
949 § 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or
950 noose on property. Penalty. Restitution
951
952 § 53a-3 Definitions
953
954 § 53-206 Carrying of dangerous weapons prohibited
955
956 § 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-
957 one.
958
959 § 53-344b Sale and delivery of electronic nicotine delivery system or vapor products
960 to persons under twenty-one years or age
961
962 Public Act No25-168, Sec. 261, “An Act Concerning the State budget for the Biennium
963 Ending June 30, 2027, and Making Appropriations Therfor, and Provisions Related to
964 Revenue and Other Items Implementing the State Budget.”(definition of “synthetically
965 created image”)
966
967 Public Act 25-93, “An Act Increasing Resources for Students, Schools and Special
968 Education.”
969
970 Public Act 25-139, “An Act Concerning Human Trafficking and Sexual Assault
971 Victims.”
972
973
974 *Packer v. Board of Educ. of the Town of Thomaston*, 717 A.2d 117 (Conn. 1998).
975 *State v. Hardy*, 896 A.2d 755 (Conn. 2006).
976 *State v. Guzman*, 955 A.2d 72 (Conn. App. Ct. 2008).
977
978 Connecticut State Department of Education, *Standards for Educational Opportunities for*
979 *Students Who Have Been Expelled*, adopted January 3, 2018.
980
981 Federal law:
982
983 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the
984 Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
985 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
986 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
987 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

988 18 U.S.C. § 921 (definition of “firearm”)
989 18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)
990 18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)
991 21 U.S.C. § 812(c) (identifying “controlled substances”)
992 34 C.F.R. § 300.530 (defining “illegal drugs”)
993 Gun-Free Schools Act, 20 U.S.C. § 7961
994 *Honig v. Doe*, 484 U.S. 305 (1988)
995 U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil
996 Rights Division, *Resource on Confronting Racial Discrimination in Student Discipline*
997 (May 2023)
998 [Take It Down Act, Public L. 119-12](#)
999 [McKinney Vento Homeless Assistance Act, 42 U.S.C. § 11343a](#)

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1002

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1007
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1 #4119
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6 **Reports of Suspected Abuse or Neglect of Children or**
7 **Reports of Sexual Assault of Students by School Employees**

8

9

10 Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause
11 to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a
12 nonaccidental physical injury, or injury which is at variance with the history given of such injury,
13 or has been placed at imminent risk of serious harm, or (2) that any person who is being educated
14 by the Technical Education and Career System or a local or regional board of education, other
15 than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a
16 school employee, to report such suspicions to the appropriate authority. In furtherance of this
statute and its purpose, it is the policy of the Madison Board of Education ("Board") to require
ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect,
nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a
school employee, in accordance with the procedures set forth below.

17

18 1. Scope of Policy

19

20 This policy applies not only to school employees who are required by law to report suspected
21 child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or
22 sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of
23 Education.

24

25 2. Definitions

26

27 For the purposes of this policy:

28

29 "Abused" means that a child (a) has had physical injury or injuries inflicted upon the child
30 other than by accidental means, or (b) has injuries which are at variance with the history
31 given of them, or (c) is in a condition which is the result of maltreatment, such as, but not
32 limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities,
33 emotional maltreatment or cruel punishment.

34 **#4119(b)**

35 "Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and
36 attention, physically, educationally, emotionally or morally, or (c) is being permitted to live
37 under conditions, circumstances or associations injurious to the child's well-being, or (d) has
38 been abused.

39

40 "School employee" means (a) a teacher, substitute teacher, school administrator, school
41 superintendent, guidance counselor, school counselor, psychologist, social worker, nurse,
42 physician, school paraprofessional or coach employed by the Board or who is working in a
43 Board elementary, middle or high school; or (b) any other person who, in the performance of
44 that person's duties, has regular contact with students and who provides services to or on
45 behalf of students enrolled in the Madison Public Schools ("District"), pursuant to a contract
46 with the Board.

47

48 "Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a
49 violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the
50 Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory
51 definitions of sexual assault laws and related terms covered by the mandatory reporting laws
52 and this policy.

53

54 "Statutorily mandated reporter" means an individual required by Conn. Gen. Stat. Section
55 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a
56 student by a school employee. The term "statutorily mandated reporter" includes all school
57 employees, as defined above, any person who is a licensed behavior analyst, and any person
58 who holds or is issued a coaching permit by the State Board of Education, is a coach of
59 intramural or interscholastic athletics, and is eighteen years of age or older.

60

61 3. What Must Be Reported

62

63 a) A report must be made when any employee of the Board of Education in the ordinary
64 course of such person's employment or profession has reasonable cause to suspect or

65

66 #4119(c)

67 believe that any child under the age of eighteen years:

71 ii) has had nonaccidental physical injury, or injury which is at variance with the
72 history given for such injury, inflicted upon the child;

76 b) A report must be made when any employee of the Board of Education in the ordinary
77 course of such person's employment or profession has reasonable cause to suspect or
78 believe that any person, regardless of age, who is being educated by the Technical
79 Education and Career System or a local or regional board of education, other than as
80 part of an adult education program, is a victim of the following sexual assault crimes,
81 and the perpetrator is a school employee:

83 i) sexual assault in the first degree;

85 ii) aggravated sexual assault in the first degree;

89 iv) sexual assault in the third degree;

91 v) sexual assault in the third degree with a firearm; or

93 vi) sexual assault in the fourth degree

95 Please see Appendix A of this policy for the relevant statutory definitions of sexual
96 assault laws and related terms covered by the mandatory reporting laws and this policy

7 #4119(d)

98 c) The suspicion or belief of a Board employee may be based on factors including, but not
99 limited to, observations, allegations, facts or statements by a child or victim, as described
100 above, or a third party. Such suspicion or belief does not require certainty or probable
101 cause.

102 d.) A Board employee is not precluded from conducting a preliminary inquiry to determine if
103 reasonable cause exists to make a report. Such preliminary inquiry shall not be considered
104 an investigation conducted by the Board. Preliminary inquiries must be conducted in
105 accordance with the training for school employees for the accurate and prompt
106 identification and reporting of child abuse and neglect developed by the Department of
107 Children and Families (“DCF”).

108

109 4. Reporting Procedures for Statutorily Mandated Reporters

110

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

112

113 a) When an employee of the Board of Education who is a statutorily mandated reporter and
114 who, in the ordinary course of the person's employment, has reasonable cause to suspect
115 or believe that a child has been abused or neglected or placed at imminent risk of serious
116 harm, or a student is a victim of sexual assault by a school employee, as described in
117 Paragraph 3, above, the following steps shall be taken.

118

119 (1) The employee shall make an oral or electronic report as soon as practicable, but not
120 later than twelve (12) hours after having reasonable cause to suspect or believe that a
121 child has been abused or neglected or placed at imminent risk of serious harm, or a
122 student is a victim of sexual assault by a school employee.

123

124 (a) An oral report shall be made by telephone or in person to the Commissioner of
125 DCF or the local law enforcement agency. DCF has established a 24 hour Child
126 Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such
127 oral reports.

- 128
- 129 (b) An electronic report shall be made in the manner prescribed by the Commissioner of
130 DCF. An employee making an electronic report shall respond to further inquiries from
131 the Commissioner of DCF or Commissioner's designee made within twenty-four (24)
132 hours. Such employee shall inform the Superintendent or Superintendent's designee as
133 soon as possible as to the nature of the further communication with the Commissioner
134 or Commissioner's designee.
- 135
- 136 (2) The employee shall also make an oral report as soon as practicable to the Building
137 Principal or Building Principal's designee, and/or the Superintendent or
138 Superintendent's designee. If the Building Principal is the alleged perpetrator of the
139 abuse/neglect or sexual assault of a student, then the employee shall notify the
140 Superintendent or Superintendent's designee directly.
- 141
- 142 (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student
143 by a school employee, the Superintendent or Superintendent's designee shall
144 immediately notify the child's parent or guardian that such a report has been made.
- 145
- 146 (4) Not later than forty-eight (48) hours after making an oral report, the employee shall
147 submit a written or electronic report to the Commissioner of DCF or the
148 Commissioner's designee containing all of the required information. The written or
149 electronic report should be submitted in the manner prescribed by the Commissioner
150 of DCF. When such report is submitted electronically, the employee shall respond to
151 further inquiries from the Commissioner of DCF or Commissioner's designee made
152 within twenty-four (24) hours. Such employee shall inform the Superintendent or
153 Superintendent's designee as soon as possible as to the nature of the further
154 communication with the Commissioner or Commissioner's designee.
- 155
- 156 (5) The employee shall immediately submit a copy of the written or electronic report to
157 the Building Principal or Building Principal's designee and to the Superintendent or
158 the Superintendent's designee.

159
160 (6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a
161 school employee holding a certificate, authorization or permit issued by the State
162 Department of Education, the Commissioner of DCF (or Commissioner of DCF's
163 designee) shall submit a copy of the written or electronic report to the Commissioner
164 of Education (or Commissioner of Education's designee).

165
166 5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

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

170
171 a) When an employee who is not a statutorily mandated reporter and who, in the ordinary
172 course of the person's employment or profession, has reasonable cause to suspect or
173 believe that a child has been abused or neglected or placed at imminent risk of serious
174 harm, or a student is a victim of sexual assault by a school employee, as described in
175 Paragraph 3, above, the following steps shall be taken.

176
177 (1) The employee shall make an oral report as soon as practicable, but not later than
178 twelve (12) hours after the employee has reasonable cause to suspect or believe that a
179 child has been abused or neglected or placed at imminent risk of serious harm or a
180 student is a victim of sexual assault by a school employee. Such oral report shall be
181 made by telephone or in person to the Superintendent of Schools or Superintendent's
182 designee, to be followed by an immediate written report to the Superintendent or
183 Superintendent's designee.

184
185 (2) If the Superintendent or Superintendent's designee determines that there is
186 reasonable cause to suspect or believe that a child has been abused or neglected or
187 placed at imminent risk of serious harm or a student is a victim of sexual assault by a
188 school employee, the Superintendent shall cause reports to be made in accordance
189 with the procedures set forth for statutorily mandated reporters.

190
191 b) Nothing in this policy shall be construed to preclude an employee reporting suspected
192 child abuse, neglect or sexual assault by a school employee from reporting the same
193 directly to the Commissioner of DCF.

194 6. Contents of Reports

195
196 Any report made pursuant to this policy shall contain the following information, if known:
197
198 a) The names and addresses of the child* and the child's parents or other person
199 responsible for the child's care;
200
201 b) the age of the child;
202
203 c) the gender of the child;
204
205 d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
206
207 e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
208
209 f) information concerning any previous injury or injuries to, or maltreatment or neglect of
210 the child or the child's siblings;
211
212 g) the circumstances in which the injury or injuries, maltreatment or neglect came to be
213 known to the reporter;
214
215 h) the name of the person or persons suspected to be responsible for causing such injury or
216 injuries, maltreatment or neglect;
217
218 i) the reasons such person or persons are suspected of causing such injury or injuries,
219 maltreatment or neglect;
220

221 j) any information concerning any prior cases in which such person or persons have been
222 suspected of causing an injury, maltreatment or neglect of a child; and

224 k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

226 *For purposes of this Paragraph, the term “child” includes any victim of sexual assault by
227 a school employee, as described in Paragraph 3, above.

229 7. Investigation of the Report

231 a) The Superintendent or Superintendent's designee shall thoroughly investigate reports of
232 suspected abuse, neglect or sexual assault if/when such report involves an employee of
233 the Board of Education or other individual under the control of the Board, provided the
234 procedures in subparagraph (b), below are followed. In all other cases, DCF shall be
235 responsible for conducting the investigation with the cooperation and collaboration of the
236 Board, as appropriate.

238 b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect
239 reports and reports of a student's sexual assault by school employees, the
240 Superintendent's investigation shall permit and give priority to any investigation
241 conducted by the Commissioner of DCF or the appropriate local law enforcement agency.
242 The Superintendent shall conduct the District's investigation and take any disciplinary
243 action, consistent with state law, upon notice from the Commissioner of DCF or the
244 appropriate local law enforcement agency that the District's investigation will not
245 interfere with the investigation of the Commissioner of DCF or the local law enforcement
246 agency.

248 c) The Superintendent shall coordinate investigatory activities in order to minimize the
249 number of interviews of any child or student victim of sexual assault and share
250 information with other persons authorized to conduct an investigation of child abuse or
251 neglect, as appropriate.

- 252
- 253 d) Any person reporting child abuse or neglect or the sexual assault of a student by a school
- 254 employee, or having any information relevant to alleged abuse or neglect or of the sexual
- 255 assault of a student by a school employee, shall provide the Superintendent with all
- 256 information related to the investigation that is in the possession or control of such person,
- 257 except as expressly prohibited by state or federal law.
- 258
- 259 e) When the school district is conducting an investigation involving suspected abuse or
- 260 neglect or sexual assault of a student by an employee of the Board or other individual
- 261 under the control of the Board, the Superintendent's investigation shall include an
- 262 opportunity for the individual suspected of abuse, neglect or sexual assault to be heard
- 263 with respect to the allegations contained within the report. During the course of such
- 264 investigation, the Superintendent may suspend a Board employee with pay or may place
- 265 the employee on administrative leave with pay, pending the outcome of the investigation.
- 266 If the individual is one who provides services to or on behalf of students enrolled in the
- 267 District, pursuant to a contract with the Board of Education, the Superintendent may
- 268 suspend the provision of such services, and direct the individual to refrain from any
- 269 contact with students enrolled in the District, pending the outcome of the investigation.
- 270

271 8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

- 272
- 273 a) If, upon completion of the investigation by the Commissioner of DCF ("Commissioner"),
- 274 the Superintendent has received a report from the Commissioner that the Commissioner
- 275 has reasonable cause to believe that (1) a child has been abused or neglected by a school
- 276 employee, as defined above, and the Commissioner has recommended that such employee
- 277 be placed on the DCF Child Abuse and Neglect Registry, or (2) a student is a victim of
- 278 sexual assault by a school employee, the Superintendent shall request (and the law
- 279 provides) that DCF notify the Superintendent not later than five (5) working days after
- 280 such finding, and provide the Superintendent with records, whether or not created by
- 281 DCF, concerning such investigation. The Superintendent shall suspend such school

282 employee. Such suspension shall be with pay and shall not result in the diminution or
283 termination of benefits to such employee.

284

285 b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall
286 notify the Board of Education and the Commissioner of Education, or the Commissioner
287 of Education's representative, of the reasons for and the conditions of the suspension. The
288 Superintendent shall disclose such records to the Commissioner of Education and the
289 Board of Education or its attorney for purposes of review of employment status or the
290 status of such employee's certificate, permit or authorization, if any.

291

292 c) The suspension of a school employee employed in a position requiring a certificate shall
293 remain in effect until the Superintendent and/or Board of Education acts pursuant to the
294 provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified
295 school employee is terminated, or such certified school employee resigns such
296 employment, the Superintendent shall notify the Commissioner of Education, or the
297 Commissioner of Education's representative, within seventy-two (72) hours after such
298 termination or resignation.

299

300 d) The suspension of a school employee employed in a position requiring an authorization or
301 permit shall remain in effect until the Superintendent and/or Board of Education acts
302 pursuant to any applicable termination provisions. If the contract of employment of a
303 school employee holding an authorization or permit from the State Department of
304 Education is terminated, or such school employee resigns such employment, the
305 Superintendent shall notify the Commissioner of Education, or the Commissioner of
306 Education's representative, within seventy-two (72) hours after such termination or
307 resignation.

308

309 e) Regardless of the outcome of any investigation by the Commissioner of DCF and/or the
310 police, the Superintendent and/or the Board, as appropriate, may take disciplinary action,
311 up to and including termination of employment, in accordance with the provisions of any
312 applicable statute, if the Superintendent's investigation produces evidence that a child has

313 been abused or neglected by a school employee or that a student has been a victim of
314 sexual assault by a school employee.

315

316 f) The District shall not employ a person whose employment contract is terminated or who
317 resigned from employment following a suspension pursuant to Paragraph 8(a) of this
318 policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving
319 an act of child abuse or neglect or an act of sexual assault of a student, as described in
320 Paragraph 2 of this policy.

321

322 9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the Board of
323 Education

324

325 If the investigation by the Superintendent and/or the Commissioner of DCF produces
326 evidence that a child has been abused or neglected, or a student has been sexually assaulted,
327 by any individual who provides services to or on behalf of students enrolled in the District,
328 pursuant to a contract with the Board, the Superintendent shall permanently suspend the
329 provision of such services, and direct the individual to refrain from any contact with students
330 enrolled in the District.

331

332 10. Delegation of Authority by Superintendent

333

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

336

337 11. Confidential Rapid Response Team

338

339 The Superintendent shall establish a confidential rapid response team to coordinate with DCF
340 to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by
341 a school employee, as described in Paragraph 2, above, and (2) provide immediate access to
342 information and individuals relevant to the department's investigation. The confidential
343 rapid response team shall consist of a teacher and the Superintendent, a local police officer

344 and any other person the Board of Education, acting through its Superintendent, deems
345 appropriate.

346

347 12. Disciplinary Action for Failure to Follow Policy

348

349 Except as provided in Section 14 below, any employee who fails to comply with the
350 requirements of this policy shall be subject to discipline, up to and including termination of
351 employment.

352

353 13. The District shall not hire any person whose employment contract was previously terminated
354 by a board of education or who resigned from such employment, if such person has been
355 convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as
356 amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual
357 assault has been substantiated.

358

359 14. Non-Discrimination Policy/Prohibition Against Retaliation

360

361 The Board of Education expressly prohibits retaliation against individuals reporting child
362 abuse or neglect or the sexual assault of a student by a school employee and shall not
363 discharge or in any manner discriminate or retaliate against any employee who, in good faith,
364 makes a report pursuant to this policy, or testifies or is about to testify in any proceeding
365 involving abuse or neglect or sexual assault by a school employee. The Board of Education
366 also prohibits any employee from hindering or preventing or attempting to hinder or prevent
367 any employee from making a report pursuant to this policy or state law concerning suspected
368 child abuse or neglect or the sexual assault of a student by a school employee or testifying in
369 any proceeding involving child abuse or neglect or the sexual assault of a student by a school
370 employee.

371 15. Distribution of Policy, Guidelines and Posting of Careline Information

372

373 This policy shall be annually distributed electronically to all school employees employed by
374 the Board. The Board shall document that all such school employees have received this

375 written policy and completed the training and refresher training programs required by in
376 Section 16, below. Guidelines regarding identifying and reporting child sexual abuse
377 developed by the Governor's task force on justice for abused children shall annually be
378 distributed electronically to all school employees, Board members, and the parents or
379 guardians of students enrolled in the schools under the jurisdiction of the Board. The Board
380 shall post the Internet web site address and telephone number for the DCF Child Abuse and
381 Neglect Careline in a conspicuous location frequented by students in each school under the
382 jurisdiction of the Board.

383

384 **16. Training**

385

- 386 a) All new school employees, as defined above, shall be required to complete an educational
387 training program for the accurate and prompt identification and reporting of child abuse
388 and neglect. Such training program shall be developed and approved by the
389 Commissioner of DCF.
- 390
- 391 b) All school employees, as defined above, shall take a refresher training course developed
392 and approved by the Commissioner of DCF at least once every three years.
- 393 c) The principal for each school shall annually certify to the Superintendent that each school
394 employee, as defined above, working at such school, is in compliance with the training
395 provisions in this policy and as required by state law. The Superintendent shall certify
396 such compliance to the State Board of Education.

397 d.) All school employees, as defined above, shall complete the (1) training regarding the
398 prevention and identification of, and response to, child sexual abuse and assault; (2)
399 bystander training program; and (3) appropriate interaction with children training program.
400 Each employee must repeat these trainings at least once every three years. Such trainings
401 shall be identified or developed by DCF.

402

403 **17. Records**

404

- 405 a) The Board shall maintain in a central location all records of allegations, investigations,
406 and reports that a child has been abused or neglected by a school employee employed by

407 the Board or that a student has been a victim of sexual assault by a school employee
408 employed by the Board, as defined above, and conducted in accordance with this policy.
409 Such records shall include any reports made to DCF. The State Department of Education
410 shall have access to such records upon request.

411

412 b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the
413 Commissioner of DCF, upon request and for the purposes of an investigation by the
414 Commissioner of DCF of suspected child abuse or neglect by a teacher employed by the
415 Board, any records maintained or kept on file by the Board. Such records shall include,
416 but not be limited to, supervisory records, reports of competence, personal character and
417 efficiency maintained in such teacher's personnel file with reference to evaluation of
418 performance as a professional employee of the Board, and records of the personal
419 misconduct of such teacher. For purposes of this section, "teacher" includes each certified
420 professional employee below the rank of superintendent employed by the Board in a
421 position requiring a certificate issued by the State Board of Education.

422

423 18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

424

425 The Board has adopted a uniform child sexual abuse and/or sexual assault response policy
426 and reporting procedure in connection with the implementation of the sexual assault and
427 abuse prevention and awareness program identified or developed by DCF, as outlined in
428 Board Policy #5120.4.2.5, Child Sexual Abuse and/or Sexual Assault Response Policy and
429 Reporting Procedure. Upon receipt of any report of child sexual abuse and/or sexual assault
430 from any source, a school employee shall report such suspicion to the School Climate
431 Specialist in addition to complying with the school employee's obligations under this Policy
432 and the law regarding mandatory reporting of abuse, neglect and sexual assault.

433

434 Information regarding the sexual abuse and assault awareness and prevention program
435 identified or developed by DCF shall be distributed electronically to all school employees,
436 Board members, and the parents or guardians of enrolled students on an annual basis.

437

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439	Legal References:		
440			
441	Connecticut General Statutes:		
442			
443	Section 10-151	Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.	
444			
445			
446			
447	Section 10-221s	Posting of Careline telephone number in schools. Investigations of child abuse and neglect. Disciplinary action.	
448			
449			
450			
451	Section 17a-101 <u>et seq.</u>	Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.	
452			
453			
454			
455	Section 17a-101q	Statewide Sexual Abuse and Assault Awareness and Prevention Program.	
456			
457			
458	Section 17a-103	Reports by others. False reports. Notifications to law enforcement agency.	
459			
460			
461	Section 46b-120	Definitions.	
462			
463	Section 53a-65	Definitions.	
464			
465			
466			
467			
468	Date of Adoption: April 6, 2021		
469	First Reading: January 10, 2023		
470	Second Reading: January 24, 2023		
471	Date of Revision: January 24, 2023		
472			
473			
474	First Reading: January 13, 2026		
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485 Appendix A
486

487 RELEVANT EXCERPTS OF STATUTORY DEFINITIONS
488 OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY
489 REPORTING LAWS AND THIS POLICY
490

491 An employee of the Board of Education must make a report in accordance with this policy when
492 the employee of the Board of Education in the ordinary course of such person's employment or
493 profession has reasonable cause to suspect or believe that any person, regardless of age, who is
494 being educated by the Technical Education and Career System or a local or regional board of
495 education, other than as part of an adult education program, is a victim of the following sexual
496 assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of
497 the sexual assault laws and related terms covered by mandatory reporting laws and this policy.
498

499 **Intimate Parts (Conn. Gen. Stat. § 53a-65)**
500

501 "Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any
502 substance emitted therefrom, inner thighs, buttocks or breasts.
503

504 **Sexual Intercourse (Conn. Gen. Stat. § 53a-65)**
505

506 "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between
507 persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal
508 intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may
509 be committed by an object manipulated by the actor into the genital or anal opening of the
510 victim's body.
511

512 **Sexual Contact (Conn. Gen. Stat. § 53a-65)**
513

514 "Sexual contact" means (A) any contact with the intimate parts of a person for the purpose of
515 sexual gratification of the actor or for the purpose of degrading or humiliating such person or any
516 contact of the intimate parts of the actor with a person for the purpose of sexual gratification of
517 the actor or for the purpose of degrading or humiliating such person, or (B) for the purposes of
518 subdivision (4) of subsection (a) of section 53a-73a, any contact with the intimate parts of a dead
519 human body, or any contact of the intimate parts of the actor with a dead human body, for the
520 purpose of sexual gratification of the actor.
521

522 **Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70)**
523

524 A person is guilty of sexual assault in the first degree when such person (1) compels another
525 person to engage in sexual intercourse by the use of force against such other person or a third
526 person, or by the threat of use of force against such other person or against a third person which
527 reasonably causes such person to fear physical injury to such person or a third person, or (2)
528 engages in sexual intercourse with another person and such other person is under thirteen years
529 of age and the actor is more than two years older than such person, or (3) commits sexual assault
530 in the second degree as provided in section 53a-71 and in the commission of such offense is
531 aided by two or more other persons actually present, or (4) engages in sexual intercourse with

532 another person and such other person is mentally incapacitated to the extent that such other
533 person is unable to consent to such sexual intercourse.

534

535 **Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)**

536

537 A person is guilty of aggravated sexual assault in the first degree when such person commits
538 sexual assault in the first degree as provided in section 53a-70 and in the commission of such
539 offense (1) such person uses or is armed with and threatens the use of or displays or represents by
540 such person's words or conduct that such person possesses a deadly weapon, (2) with intent to
541 disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a
542 member or organ of the victim's body, such person causes such injury to such victim, (3) under
543 circumstances evincing an extreme indifference to human life such person recklessly engages in
544 conduct which creates a risk of death to the victim, and thereby causes serious physical injury to
545 such victim, or (4) such person is aided by two or more other persons actually present. No person
546 shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first
547 degree upon the same transaction but such person may be charged and prosecuted for both such
548 offenses upon the same information.

549

550 **Aggravated Sexual Assault of a Minor (Conn. Gen. Stat. § 53a-70c)**

551

552 A person is guilty of aggravated sexual assault of a minor when such person commits a violation
553 of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86,
554 53a-87 or 53a-196a and the victim of such offense is under thirteen years of age, and (1) such
555 person kidnapped or illegally restrained the victim, (2) such person stalked the victim, (3) such
556 person used violence to commit such offense against the victim, (4) such person caused serious
557 physical injury to or disfigurement of the victim, (5) there was more than one victim of such
558 offense under thirteen years of age, (6) such person was not known to the victim, or (7) such
559 person has previously been convicted of a violent sexual assault.

560

561 **Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)**

562

563 A person is guilty of sexual assault in the second degree when such person engages in sexual
564 intercourse with another person and: (1) Such other person is thirteen years of age or older but
565 under sixteen years of age and the actor is more than three years older than such other person; or
566 (2) such other person is impaired because of mental disability or disease to the extent that such
567 other person is unable to consent to such sexual intercourse; or (3) such other person is physically
568 helpless; or (4) such other person is less than eighteen years old and the actor is such person's
569 guardian or otherwise responsible for the general supervision of such person's welfare; or (5)
570 such other person is in custody of law or detained in a hospital or other institution and the actor
571 has supervisory or disciplinary authority over such other person; or (6) the actor is a
572 psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse
573 occurs during the psychotherapy session, (B) a patient or former patient of the actor and such
574 patient or former patient is emotionally dependent upon the actor, or (C) a patient or former
575 patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7)
576 the actor accomplishes the sexual intercourse by means of false representation that the sexual
577 intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a
578 school employee and such other person is a student enrolled in a school in which the actor works

579 or a school under the jurisdiction of the local or regional board of education which employs the
580 actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive,
581 ongoing instruction and such other person is a recipient of coaching or instruction from the actor
582 and (A) is a secondary school student and receives such coaching or instruction in a secondary
583 school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or
584 older and stands in a position of power, authority or supervision over such other person by virtue
585 of the actor's professional, legal, occupational or volunteer status and such other person's
586 participation in a program or activity, and such other person is under eighteen years of age; or
587 (11) such other person is placed or receiving services under the direction of the Commissioner of
588 Developmental Services in any public or private facility or program and the actor has supervisory
589 or disciplinary authority over such other person.
590

591 **Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**

592

593 A person is guilty of sexual assault in the third degree when such person (1) compels another
594 person to submit to sexual contact (A) by the use of force against such other person or a third
595 person, or (B) by the threat of use of force against such other person or against a third person,
596 which reasonably causes such other person to fear physical injury to himself or herself or a third
597 person, or (2) subjects another person to sexual contact and such other person is mentally
598 incapacitated or impaired because of mental disability or disease to the extent that such other
599 person is unable to consent to such sexual contact, or (3) engages in sexual intercourse with
600 another person whom the actor knows to be related to him or her within any of the degrees of
601 kindred specified in section 46b-21.
602

603 **Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**

604

605 A person is guilty of sexual assault in the third degree with a firearm when such person commits
606 sexual assault in the third degree as provided in section 53a-72a, and in the commission of such
607 offense, such person uses or is armed with and threatens the use of or displays or represents by
608 such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle,
609 shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and
610 sexual assault in the third degree with a firearm upon the same transaction but such person may
611 be charged and prosecuted for both such offenses upon the same information.
612

613 **Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**

614

615 A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another
616 person to sexual contact who is (A) under thirteen years of age and the actor is more than two
617 years older than such other person, or (B) thirteen years of age or older but under fifteen years of
618 age and the actor is more than three years older than such other person, or (C) physically
619 helpless, or (D) less than eighteen years old and the actor is such other person's guardian or
620 otherwise responsible for the general supervision of such other person's welfare, or (E) in custody
621 of law or detained in a hospital or other institution and the actor has supervisory or disciplinary
622 authority over such other person; or (2) such person subjects another person to sexual contact
623 without such other person's consent; or (3) such person engages in sexual contact with a dead
624 human body; or (4) such person is a psychotherapist and subjects another person to sexual
625 contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy

626 session, or (B) a patient or former patient of the actor and such patient or former patient is
627 emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the
628 sexual contact occurs by means of therapeutic deception; or (5) such person subjects another
629 person to sexual contact and accomplishes the sexual contact by means of false representation
630 that the sexual contact is for a bona fide medical purpose by a health care professional; or (6)
631 such person is a school employee and subjects another person to sexual contact who is a student
632 enrolled in a school in which the actor works or a school under the jurisdiction of the local or
633 regional board of education which employs the actor; or (7) such person is a coach in an athletic
634 activity or a person who provides intensive, ongoing instruction and subjects another person to
635 sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary
636 school student and receives such coaching or instruction in a secondary school setting, or (B) is
637 under eighteen years of age; or (8) such person subjects another person to sexual contact and (A)
638 the actor is twenty years of age or older and stands in a position of power, authority or
639 supervision over such other person by virtue of the actor's professional, legal, occupational or
640 volunteer status and such other person's participation in a program or activity, and (B) such other
641 person is under eighteen years of age; or (9) such person subjects another person to sexual
642 contact who is placed or receiving services under the direction of the Commissioner of
643 Developmental Services in any public or private facility or program and the actor has supervisory
644 or disciplinary authority over such other person.
645

Personnel

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647
648
649

1 #5180.1

2 **Confidentiality and Access to Education Records**

3 **I. POLICY**

4
5 The Madison Board of Education (“Board”) complies with the state and federal laws and
6 regulations regarding confidentiality, access to and amendment of education records maintained
7 by the Madison Public Schools (the “District”). The Board shall implement procedures that
8 protect the privacy of parents and students while providing proper access to education records.
9 Availability of these procedures shall be made known annually to parents of students currently in
10 attendance and eligible students currently in attendance.

11 **II. DEFINITIONS**

- 12
13 A. Access is defined as the right to inspect or review a student’s education records or any
14 part thereof. Access may include the right to receive copies of records under limited
15 circumstances.
- 16 B. Authorized representative means any entity or individual designated by the Board, a
17 State educational authority, or an agency headed by an official listed in 34 C.F.R. §
18 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education
19 programs -- any audit or evaluation, or any compliance or enforcement activity in
20 connection with Federal legal requirements that relate to these programs.
- 21 C. Biometric record, as used in the definition of personally identifiable information, means
22 a record of one or more measurable biological or behavioral characteristics that can be
23 used for automated recognition of an individual, such as fingerprints, retina and iris
24 patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
- 25 D. De-identified education records means education records or information from education
26 records from which all personally identifiable information has been removed, and for
27 which the district has made a reasonable determination that a student’s identity is not
28 personally identifiable, whether through single or multiple releases, taking into account
29 other reasonably available information.
- 30 E. Directory Information includes information contained in an education record of a
31 student that would not generally be considered harmful or an invasion of privacy if
32 disclosed. Directory information includes, but is not limited to, the parent’s name,
33 address and/or e-mail address; the student’s name, address, telephone number, e-mail
34 address, photographic, computer and/or video images, date and place of birth, major
35 field(s) of study, grade level, enrollment status (full-time; part-time), participation in
36 school-sponsored activities or athletics, weight and height (if the student is a member of
37 an athletic team), dates of attendance, degrees, honors and awards received, the most
38 recent previous school(s) attended, and student identification numbers for the limited
39 purposes of displaying a student identification card. The student identification number,
40 however, will not be the only identifier used when obtaining access to education records

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

53
54 F. Disciplinary action or proceeding means the investigation, adjudication or imposition of
55 sanctions by an educational agency or institution with respect to an infraction or
56 violation of internal rules of conduct applicable to students.

57
58 G. Disclosure means to permit access to or to release, transfer, or other communication of
59 personally identifiable information as contained in education records by any means,
60 including oral, written or electronic means, to any party except the party identified as
61 the party that provided or created the record.

62 H. Education Records

63
64 1. Education records means any information directly related to a student that
65 is recorded in any manner (e.g., handwriting, print, computer media, video
66 or audio tape, film, microfilm, and microfiche) and that is maintained by
67 the school system or persons acting for the school system.

68
69 2. Education records do not include:

70
71 a) private, personal, or working notes in the sole possession of the
72 maker thereof, and which are not accessible or revealed to any
73 other individual except a "substitute";

74
75 b) records maintained by a law enforcement unit of the school district
76 that were created by that unit for the purpose of law enforcement;

77
78 c) employment records used only in relation to the student's
79 employment by the school district that are 1) made and maintained
80 in the normal course of business, 2) relate exclusively to the
81 student's capacity as an employee, and 3) are not made available
82 for any other purpose;

83
84 d) records on an eligible student (i.e. over 18 or attending a
85 postsecondary educational institution) that are considered
86 "treatment records" as they meet the following criteria: 1) the
87 records are maintained by a physician, psychiatrist, psychologist, or
88 other recognized professional or paraprofessional acting in a
89 professional capacity or assisting in a paraprofessional capacity, 2)
90 the records are made in connection with the treatment of the
91 student and 3) the records are disclosed only to individuals

93 providing such treatment (treatment does not include remedial
94 educational activities or activities that are part of the program or
95 instruction of the school district); however, the school district must,
96 upon request, permit an eligible student to have a physician or
97 other appropriate professional of the student's choice review
98 his/her treatment records;

- 99
- 100 e) records created or received by the school district after an individual
101 is no longer a student in attendance and that are not directly related
102 to the individual's attendance as a student; and
- 103
- 104 f) grades on peer-graded papers before they are collected and
105 recorded by a teacher.

- 106
- 107 I. Eligible Student is a student or former student who has reached 18 years of age or is
108 attending an institution of post-secondary education or is an emancipated minor.
- 109
- 110 J. Legitimate Educational Interest means the need for a school official to review an
111 education record in order to fulfill their professional responsibilities. The District's Title
112 IX Coordinator has a legitimate educational interest when performing the functions of
113 their professional duties.
- 114
- 115 K. Parent is defined as a parent or parents of a student, including a natural parent, a
116 guardian, or surrogate parent, or an individual acting as a parent in the absence of a
117 parent or guardian. The rights of a parent shall transfer to an eligible student; however,
118 a parent of a student who claims that student as a dependent under Section 152 of the
119 Internal Revenue Code of 1986 may receive access to the student's education records
120 without the eligible student's consent.
- 121
- 122 L. Personally Identifiable Information includes, but is not limited to, the student's name;
123 the name of the student's parent or other family members; the address of the student or
124 his/her family; a personal identifier, such as the student's social security number,
125 student number or biometric record; other indirect identifiers, such as the student's date
126 of birth, place of birth, and mother's maiden name; other information that, alone or in
127 combination, is linked or linkable to a specific student that would allow a reasonable
128 person in the school community, who does not have personal knowledge of the relevant
129 circumstances, to identify the student with reasonable certainty; or information
130 requested by a person who the school district reasonably believes knows the identity of
131 the student to whom the education record relates.
- 132
- 133 M. School Official is a person employed by the District as an administrator, supervisor,
134 instructor or support staff member (including health or medical staff and law
135 enforcement unit personnel); a person serving on the Board of Education; a volunteer,
136 contractor or consultant or other party who performs an institutional service or function
137 for the District (such as an attorney, auditor, medical consultant, therapist, or school
138 resource officer); or a parent or student serving on an official committee, such as a

139 disciplinary or grievance committee; or a parent, student or other volunteer assisting
140 another school official in performing his or her tasks.

141
142 N. Signed and Dated Written Consent to disclose personally identifiable student
143 information from a student's education records must specify the records to be disclosed,
144 the purpose of disclosure and the party to whom such records should be provided.
145 Consent may include a record and signature in electronic form provided that the consent
146 identifies and authenticates a particular person as the source of electronic consent.

147
148 **III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY
149 INFORMATION**

150
151 A. On an annual basis, the school district will notify parents and/or eligible students
152 currently in attendance of their rights regarding a student's education records. This
153 notice will be published in all student handbooks in the school district and will also be
154 published in the school district's guide to Pupil Personnel **[or Special Education]**
155 Services and will be published in any other manner "reasonably likely" to inform such
156 parents and eligible students of their rights. The school district will take steps to ensure
157 that parents or eligible students whose primary or home language is not English or who
158 are disabled will also be notified of their rights regarding a student's education records.

159
160 B. On an annual basis, the school district will also notify parents and/or eligible students
161 currently in attendance of any categories of information designated as **directory**
162 **information**. This notice will provide such individuals with an opportunity to object to
163 such disclosure. An objection to the disclosure of directory information shall be good
164 for only one school year. Parents and/or eligible students may not use the right to opt
165 out of directory information disclosures to prohibit the school district from requiring
166 students to wear or display a student identification card.

167
168 C. In the annual notification, the school district will also provide notice to parents and/or
169 eligible students that the district is legally obligated to provide military recruiters,
170 institutions of higher education, or school choice programs, upon request, with the
171 names, addresses and telephone numbers of secondary school students, unless the
172 secondary student or the parent of the student objects to such disclosure in writing.
173 Such objection must be in writing and shall be effective for one school year.

174
175 **IV. CONFIDENTIALITY OF EDUCATION RECORDS**

176
177 A. All school officials are directed to maintain the confidentiality of personally identifiable
178 information contained in a student's education records. Each person who has access to
179 education records is responsible for ensuring personally identifiable information is
180 protected from disclosure at collection, storage, disclosure, and destruction stages.
181 Disclosure of information is permitted only in accordance with Board policy and
182 administrative regulations and in a manner consistent with state and federal law.

- 184 B. Education records are not public records and any disclosure other than to persons
185 authorized to receive the records without prior consent of a parent or an eligible student
186 violates the law and Board policy, except as provided in federal and state statutes.
187
- 188 C. The school district shall use reasonable methods, including administrative policies and
189 procedures, as well as physical and technological access controls, designed to ensure
190 that school officials obtain access to only those education records in which they have a
191 legitimate educational interest.
192
- 193 D. The district shall use reasonable methods designed to identify and authenticate the
194 identity of parents, students, school officials and other parties to whom the district
195 discloses personally identifiable information from education records.
196
- 197 E. The district shall require contractors and other outside agencies with access to education
198 records to certify their compliance with the confidentiality requirements of this policy,
199 as well as applicable state and federal law.
200

201 **V. ACCESS TO EDUCATION RECORDS**

- 202 A. Parents and/or an eligible student have the right to inspect and review all education
203 records of the student unless such rights have been waived under Article XI, below.
204 Parents' rights of inspection and review are restricted to information dealing with their
205 own child. In the case of an eligible student, the right to inspect and review is restricted
206 to information concerning the student. All requests for access to education records must
207 be in writing.
208
- 210 B. When submitting a written request to inspect or review education records, the request
211 must identify the record or records being sought. The school district will notify the
212 parent or eligible student of the date, time, and location where the records may be
213 inspected and reviewed.
214
- 215 C. The parents or eligible students may designate in writing a representative to inspect and
216 review the records. Consent for disclosure of education records to a designated
217 representative must be signed and dated by the parent or eligible student.
218
- 219 D. A school professional shall be present at all such inspections and reviews and shall
220 respond to reasonable requests for explanations and interpretations of the records.
221
- 222 E. For the records of **regular education students**, the Board will make education records
223 available for inspection and review by parents or eligible students within a reasonable
224 period of time, but in any event, no more than forty-five (45) calendar days from the
225 receipt of a written request.
226
- 227 F. For **students requiring special education**, the Board will comply with a request to
228 review and inspect the child's education records without unnecessary delay and before
229 any meeting regarding an IEP or any due process hearing or resolution session held in

230 accordance with the IDEA; otherwise, the Board will comply with such request not later
231 than ten (10) school days of such request.

232
233 G. Parents of students eligible to receive special education and related services (or the
234 eligible student) have the right to receive **one free copy** of their child's (the eligible
235 student's) education records. The request for the free copy must be in writing and the
236 Board will comply with the written request within ten (10) school days of the request.
237 Notwithstanding the fact that a test instrument or portion of a test instrument may meet
238 the criteria of an "education record" under the Family Educational Rights and Privacy
239 Act, 20 U.S.C. § 1232g, any test instrument or portion of a test instrument for which the
240 test manufacturer asserts a proprietary or copyright interest in the instrument shall not
241 be copied. The parent or eligible student retains the right to review and inspect such
242 information and the Board shall respond to reasonable requests from the parent or
243 eligible student for explanations and interpretations of the student's education record,
244 which may include reviewing copyrighted testing instruments.

245
246 H. Aside from a parent or eligible student, staff members, school employees and other
247 school officials may access a student's education records **only if** they have been
248 determined by the school system to have a legitimate educational interest in accessing
249 the information contained in such records. Disclosures to any other parties may only be
250 made in accordance with the exemptions and provisions set forth in Article VII, below.

251
252 I. Pursuant to the procedures set forth in Article VI, below, the district maintains a record
253 of all parties that have requested access to education records, including access to
254 education records found in computer memory banks.

255
256
257 J. Non-custodial Parents:

258
259 1. Divorced Parents

260
261 A parent does not lose the right to access education records upon divorce.
262 Non-custodial parents retain their rights to review their child's education
263 records unless the school district has been provided with evidence that
264 there is a court order, state statute, or legally binding document relating to
265 such matters as divorce, separation, or custody that specifically revokes the
266 non-custodial parent's rights. School notices shall be mailed to the non-
267 custodial parent/guardian requesting the notices at the same time that they
268 are provided to the custodial parent/guardian. Any requests by the non-
269 custodial parent/guardian to receive school notices shall be effective for as
270 long as the child remains in the school the student is attending at the time
271 of the request.

272
273 2. Incarcerated Parents

275 Nothing in this policy shall be construed to limit a parent who is
276 incarcerated from being entitled to knowledge of and access to all
277 educational, medical, or similar records maintained in the cumulative
278 record of any minor student of such incarcerated parent, except that such
279 incarcerated parent shall not be entitled to such records if:
280

- 281 (a) such information is considered privileged under Conn. Gen. Stat.
282 § 10-154a, regarding a communication made privately and in
283 confidence by a student to a professional employee in the course of
284 the professional employee's employment concerning alcohol or
285 drug abuse or any alcoholic or drug problem of such student;
286
- 287 (b) such incarcerated parent has been convicted in Connecticut or any
288 other state of sexual assault in violation of Conn. Gen. Stat. §§ 53a-
289 70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
290
- 291 (c) such incarcerated parent is prohibited from knowledge of or access
292 to such student's cumulative record pursuant to a court order.
293

294 K. Unaccompanied Youth:

295 Notwithstanding anything in this policy to the contrary, an unaccompanied youth shall
296 be entitled to knowledge of and have access to all educational, medical or similar
297 records in the cumulative record of such unaccompanied youth maintained by the
298 school district. For the purposes of this provision, the term "unaccompanied youth"
299 shall mean a homeless child or youth not in the physical custody of a parent or
300 guardian.
301

302 L. Copies of Education Records/Fees:

- 303 1. The school district cannot charge a fee to search for or to retrieve the
304 education records of a student. As noted above, if a student has been
305 identified as requiring special education and related services, the parents'
306 (or eligible student's) right to inspect and review the student's records
307 shall include the right to receive **one free copy** of those records. The
308 request for the free copy shall be made in writing. The Board shall comply
309 with such request as stated above. A charge will be levied for additional
310 copies; in no case will the charge exceed **[50¢]** per page.
311
- 312 2. In addition to the provision above regarding special education students, if
313 circumstances effectively prevent the parent or eligible student from
314 exercising the right to inspect and review the student's education records,
315 the district shall:
316
- 317 a. provide the parent or eligible student with a copy of the
318 records requested, or
319

323
324
325

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

329 A. The school district will appoint an individual to be responsible for the care and
330 upkeep of all education records. Education records are kept by categories, each of
331 which encompasses a specific type of data collected during a student's educational
332 career. These categories also determine how long the school district must
333 maintain the records. The school district will provide to parents, on request, a list
334 of the categories and locations of education records collected, maintained, or used
335 by the school district.

337 B. Except as provided below, a record (log) will be kept documenting each request
338 for, and disclosure of, personally identifiable information from the education
339 records of each student, including information found in computer memory banks.
340 The record log shall contain:

342 1. the name of any individual, agency, or organization that requested or
343 obtained access to the student's records;

345 2. the date of the request for access;

347 3. whether access was given:

348 4 the purpose for which the party was granted access to the records;

353
354 6 the legitimate educational interest in obtaining the information

355 C The record (log) requirement does not apply to requests from, or disclosure to:

359
360 2. a party seeking direct information

- 365 4. school officials from the school district in which the student is currently
366 enrolled who have a legitimate educational interest in the information
367 contained in the student's record; or
368
369 5. persons seeking or receiving the information as directed by a Federal grand
370 jury, other law enforcement subpoena, or ex parte order of the Attorney
371 General of the United States (provided that the information requested is
372 not to be redislosed).
373
374 D. The record (log) is a permanent part of the student's education records and must
375 be available to the parent or eligible student upon request.
376
377 E. If the district makes a release of education records without consent in **a health**
378 **and safety emergency**, the district must record:
379
380 1. the articulable and significant threat to the health and safety of a student or
381 other individuals that formed the basis for disclosure; and
382
383 2. the parties to whom the district disclosed the information.
384

385 **VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE
386 INFORMATION**

- 388 A. The school system or its designated agent(s) may not permit release of education
389 records or any information from such records that contain personally identifiable
390 student information to any outside individual, agency, or organization without the
391 signed and dated written consent of the parents or eligible student, except as indicated
392 in Article VII.C below. Personally identifiable information contained in the education
393 record, other than directory information, will not be furnished in any form (i.e.,
394 written, taped, video or audio recorded, person-to-person, statement over the
395 telephone, on computer disk, e-mailed or electronic message, etc.) to any person other
396 than those listed below, unless prior written consent has been obtained.
397
398 B. To be effective, the written consent must be signed and dated and must specify the
399 records that may be disclosed, state the purpose of the disclosure, and identify the
400 party or class of parties to whom the disclosure may be made.
401
402 C. Personally identifiable information may be released **without consent** of the parents, or
403 the eligible student, only if the disclosure meets one of the criteria set forth below:
404
405 1. **School Officials:**
406
407 a) The disclosure is to other school officials within the district,
408 including teachers, who have been determined by the school
409 district to have legitimate educational interests in the education
410 records.

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

2. Transfer Students:

- a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Article X.
 - b) When a student enrolls in a new public school district (including a public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.
 - c) Upon notification by the Department of Children and Families ("DCF") of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with Section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the

457 receiving school, not later than one (1) business day after receipt of
458 such notification from DCF, all essential education records for the
459 student, including, but not limited to, the student's individualized
460 education program ("IEP") and behavioral intervention plan, if
461 any, and all documents necessary for the receiving school to
462 determine appropriate class placement and to provide educational
463 services. The Board shall transfer nonessential records to the
464 receiving school in accordance with subsection b above.
465

- 466 3. The disclosure is to authorized representatives of the U.S. Comptroller, the
467 U.S. Attorney General, the U.S. Secretary of Education, or State or local
468 educational authorities. Disclosures of this nature may be made only in
469 connection with an audit or evaluation of Federal or State supported
470 education programs, or for the enforcement of or compliance with the
471 Federal legal requirements that related to these programs. These entities
472 may make further disclosures of personally identifiable information that
473 are designated by them as their authorized representatives to conduct any
474 audit, evaluation, or enforcement or compliance activity on their behalf, if
475 applicable requirements are met.
476
- 477 4. The disclosure is made in connection with a student's application for, or
478 receipt of, financial aid, if such information is necessary to determine
479 eligibility for, the amount of, or the conditions for financial aid, or to
480 enforce the terms and conditions of financial aid.
481
- 482 5. The disclosure is to state and local officials or authorities within the
483 juvenile justice system as long as the officials and authorities to whom the
484 records are disclosed certify in writing to the school district that (a) the
485 information is required by the court, and (b) will not be disclosed to any
486 other party without the prior, written consent of the parent of the student,
487 except as provided under state law. Disclosure shall be permitted for
488 information relating to the student's school attendance, adjustment and
489 behavior, as well as the student's IEP and related documents if the student
490 receives special education services. If a student is placed on probation by
491 the juvenile court, school officials may issue their own recommendation
492 concerning the conditions of the student's probation.
493
- 494 6. The disclosure is to organizations conducting studies for, or on behalf of,
495 educational agencies or institutions for the purpose of developing,
496 validating, or administering predictive tests, administering student aid
497 programs, or improving instruction, so long as:
498
- 499 a) the study does not permit personal identification of parents or
500 students by individuals other than representatives of the
501 organization,
502

- b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and
 - c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).

7. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

8. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.

9. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with

 - a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
 - b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
 - c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).

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

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

12. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or

- 549 other individuals. In making a determination regarding the disclosure of
550 education records without consent in a health and safety emergency, the
551 district may take into account the totality of the circumstances pertaining
552 to the threat to the health or safety of a student or other individuals. If the
553 district reasonably determines that there is an articulable and significant
554 threat to the health or safety of a student or other individuals, it may
555 disclose information from education records to any person whose
556 knowledge of the information is necessary to protect the health or safety of
557 the student or other individuals, provided, however, that the district record
558 such disclosure in accordance with Article VI.D, above.
559
- 560 13. The disclosure is to the parent of a student who is under 18 years of age or
561 to the student.
562
- 563 14. The disclosure concerns sex offenders and other individuals required to
564 register under Section 170101 of the Violent Crime Control and Law
565 Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was
566 provided to the district under 42 U.S.C. § 14071 and applicable federal
567 guidelines.
568
- 569 15. The disclosure is to the Secretary of Agriculture or an authorized
570 representative from the Food and Nutrition Service, or contractors acting
571 on its behalf, for the purposes of conducting program monitoring,
572 evaluations, and performance measurements of state and local educational
573 and other agencies and institutions receiving funding or providing benefits
574 of one or more federal meal or nutrition programs in order to report
575 aggregate results that do not identify any individual. Such disclosures may
576 only be made if:
577
- 578 a) the data collected will be protected to prevent the personal
579 identification of students and their parents by other than the
580 authorized representatives of the Secretary of Agriculture, and
581
- 582 b) any personally identifiable data will be destroyed when they are no
583 longer needed for program monitoring, evaluations, and
584 performance measurements.
585
- 586 16. The disclosure is to an agency caseworker or other representative of the
587 DCF or other child welfare agency or tribal organization who has the right
588 to access a student's case plan when the agency or organization is legally
589 responsible for the care and protection of the student. The agency or
590 organization may not disclose the education records or personally
591 identifiable information contained in such records, except to an individual
592 or entity engaged in addressing the student's educational needs and
593 authorized by the agency or organization to receive such disclosure. Any

594 disclosures made by the agency or organization must comply with
595 applicable confidentiality laws for student education records.
596

597 **D. Directory Information**
598

599 The school district will notify parents (of students currently enrolled within the
600 district) or eligible students (currently enrolled in the district) annually of any
601 categories of information designated as directory information. This notice will
602 provide such individuals with an opportunity to object to such disclosure. An
603 objection to the disclosure of directory information shall be good for only one
604 school year.
605

- 606 1. School districts are legally obligated to provide military recruiters or
607 institutions of higher education, upon request, with the names, addresses
608 and telephone numbers of secondary school students, unless the secondary
609 student or the parent of the student objects to such disclosure in writing.
610 Such objection must be in writing and shall be effective for one school
611 year.
612
- 613 2. In all other circumstances, information designated as directory information
614 will not be released when requested by a third party unless the release of
615 such information is determined by the administration to be in the
616 educational interest of the school district and is consistent with the
617 district's obligations under both state and federal law.
618
- 619 3. The school district may disclose directory information about students after
620 they are no longer enrolled in the school district. Notwithstanding the
621 foregoing, the district will continue to honor any valid objection to the
622 disclosure of directory information made while a student was in attendance
623 unless the student rescinds the objection.
624
- 625 4. An objection to the disclosure of directory information shall not prevent
626 the school district from disclosing or requiring a student to disclose the
627 student's name, identified or institutional email address in a class in which
628 the student is enrolled. Parents and/or eligible students may not use the
629 right to opt out of directory information disclosures to prohibit the school
630 district from requiring students to wear or display a student identification
631 card.
632
- 633 5. The school district will not use the student's social security number or
634 other non-directory information alone or combined with other elements to
635 identify or help identify the student or the student's records.
636

637 **E. De-identified Records and Information**
638

- 639 1. The school district may release education records or information from
640 education records without the consent of a parent or eligible student after
641 the removal of all personally identifiable information, provided that the
642 district has made a reasonable determination that a student's identity is not
643 personally identifiable, whether through single or multiple releases, taking
644 into account other reasonably available information.
645
- 646 2. The school district may release de-identified education records including
647 student level data from education records for the purpose of education
648 research by attaching a code to each record that may allow the recipient to
649 match information received from the same source, provided that:
650
- 651 a) the district does not disclose any information about how it
652 generates and assigns a record code, or that would allow a recipient
653 of the information to identify a student based on the record code;
654
- 655 b) the record code is used for no purpose other than identifying a de-
656 identified record for the purposes of education research and cannot
657 be used to ascertain personally identifiable information about a
658 student; and
659
- 660 c) the record code is not based on a student's social security number
661 or other personal information.

662 F. **Disciplinary Records:**

663 Nothing in this policy shall prevent the school district from:

- 664 1. Including in the education records of a student appropriate information
665 concerning disciplinary action taken against the student for conduct that
666 posed a significant risk to the safety or well-being of that student, other
667 students, or other members of the school community.
668
- 669 2. Disclosing appropriate information concerning disciplinary action taken
670 against a student for conduct that posed a significant risk to the safety or
671 well-being of that student, other students, or other members of the school
672 community, to teachers and school officials who have been determined to
673 have legitimate educational interests in the behavior of the student.
674

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

679 H. **Records of the Department of Children and Families ("DCF")**

- 685 1. Documents related to any DCF child abuse and/or neglect investigations
686 that are maintained by the Board are considered education records under
687 the FERPA. As such, they are subject to the confidentiality and disclosure
688 requirements set forth in this policy and in corresponding provisions of
689 state and federal law. Such records, including records of allegations,
690 investigations and reports made to DCF, should be kept in a confidential
691 and central location, with restricted access and shall be disclosed only as
692 authorized by law. In addition to meeting the requirements under FERPA,
693 should the Board receive a request to disclose confidential DCF records to
694 an outside third party, the Board shall redact the name or other personally
695 identifiable information concerning the individual suspected of being
696 responsible for the alleged abuse and/or neglect unless the requested
697 records are being released to the individual named in the DCF records.
698
- 699 2. In addition, the district shall redact the name or any personally identifiable
700 information related to the identity of any individual responsible for making
701 a report of alleged child abuse and/or neglect before releasing or
702 transferring any DCF records containing such reports.
703
- 704 I. Except as set forth in Subsection I.5, below, the Board shall enter into a written
705 contract with a consultant or operator any time the Board shares or provides access to
706 student information, student records, or student-generated content with such consultant
707 or operator.
- 708
- 709 1. The provisions of said contract shall comply with the requirements of Conn.
710 Gen. Stat. §§ 10-234aa to 10-234dd.
711
- 712 2. The district shall maintain and update an Internet web site with information
713 relating to all contracts entered into pursuant to Subsection I, above. On or
714 before September 1st of each school year, the Board shall electronically notify
715 students and the parents or legal guardians of students of the address of such
716 Internet website. Not later than five (5) business days after executing a
717 contract pursuant to this subsection, the Board shall post notice of such
718 contract on the Board's website. The notice shall:
719
- 720 a. State that the contract has been executed and the date that such contract
721 was executed;
722
- 723 b. Provide a brief description of the contract and the purpose of the
724 contract; and
725
- 726 c. State what student information, student records or student-generated
727 content may be collected as a result of the contract.
728
- 729 3. For purposes of this subsection, upon receipt of notice of a breach of security
730 that results in the unauthorized release, disclosure or acquisition of directory

731 information, student information, student records or student-generated content,
732 the Board shall electronically notify, not later than two business days after
733 receipt of such notice, the student and the parents or guardians of the student
734 whose information is involved in such breach. The Board shall thereafter post
735 notice of such breach on the Board's Internet web site. The Internet posting
736 shall comply with the requirements of FERPA. All questions and concerns
737 relative to breach of security shall be referred to the *Superintendent of Schools*.
738

739 4. For purposes of this subsection, the following definitions are applicable:
740

- 741 a. Consultant means a professional who provides noninstructional
742 services, including but not limited to, administrative, planning,
743 analysis, statistical or research services, to the Board pursuant to a
744 contract with the Board.
- 745 b. Operator means any person who (a) operates an Internet web site,
746 online service or mobile application with actual knowledge that such
747 Internet web site, online service or mobile application is used for
748 school purposes and was designed and marketed for school purposes, to
749 the extent it is engaged in the operation of such Internet web site,
750 online service or mobile application, and (b) collects, maintains or uses
751 student information.
- 752 c. School Purposes means purposes that customarily take place at the
753 direction of a teacher or the Board, or aid in the administration of
754 school activities, including but not limited to instruction in the
755 classroom, administrative activities and collaboration among students,
756 school personnel or parents or legal guardians of students.
- 757 d. Student means a person who is a resident of the state and (a) enrolled in
758 a preschool program participating in the state-wide public school
759 information system, pursuant to Conn. Gen. Stat. § 10-10a; (b) enrolled
760 in grades kindergarten to twelve, inclusive, in a school under the
761 jurisdiction of the Board; (c) receiving special education and related
762 services under an individualized education program; or (d) otherwise
763 the responsibility of the Board.
- 764 e. Student Information means personally identifiable information or
765 material of a student in any media or format that is not publicly
766 available and is any of the following:
 - 767 1) Created or provided by a student or the parent or legal guardian
768 of a student, to the operator in the course of the student, parent
769 or legal guardian using the operator's Internet web site, online
770 service or mobile application for school purposes;

- 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and
 - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;

c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and

d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:

 - 1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and
 - 2) authorizes the use of such Internet web site, online service or mobile application.

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

VIII. REDISCLOSURE OF EDUCATION RECORDS

- A. The school district may disclose personally identifiable information from an education record only on the conditions that:
 - 1. the party to whom the information is disclosed will not subsequently re-disclose the information to any other party without the proper consent of the parent or eligible student, and
 - 2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.
 - B. Notwithstanding the provisions of Section A above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be re-disclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C above, and at least one of the following conditions is met.

- 869 1. The record of the original disclosure includes the names of the parties to whom
870 redisclosure is being made and the legitimate interests each such party has in
871 requesting or obtaining the information.
- 872
- 873 2. The original disclosure was to a state or local educational authority or federal
874 official or agency as set forth in Article VII, Section C, and such state or local
875 educational authority or federal official or agency has complied with the
876 requirements of 34 C.F.R. § 99.32(b)(2).
- 877
- 878 3. In the case of disclosures made pursuant to a court order or lawfully issued
879 subpoena, the district has made a reasonable effort to notify the parent or
880 eligible student in advance of compliance with the subpoena (except if such
881 subpoena meets the criteria set forth above in Article VII, Section C (10)).
- 882
- 883 4. Disclosure is made to a parent, an eligible student, or the parent of an eligible
884 student.
- 885
- 886 5. The information is considered directory information.
- 887
- 888 C. In the event that the Student Privacy Policy Office determines that a third party
889 outside of the school district has improperly redisclosed personally identifiable
890 information from education records in violation of FERPA, the school district may not
891 allow that third party access to personally identifiable information from education
892 records for at least five (5) years.
- 893

894 **IX. AMENDMENT OF EDUCATION RECORDS**

- 895
- 896 A. If a parent or an eligible student believes that information in the student's education
897 records is inaccurate, misleading or in violation of the student's right to privacy,
898 he/she is entitled to:
- 899
- 900 1. Request in writing that the school district amend the records;
- 901
- 902 2. Receive within a reasonable period of time a decision from the school district
903 with respect to its decision on the amendment(s) requested by the parent or
904 eligible student.
- 905
- 906 B. If the school district decides to amend the records, the school district shall promptly
907 take such steps as may be necessary to put the decision into effect with respect to the
908 requested amendments, and shall inform the parent or eligible student of the
909 amendment.
- 910
- 911 C. If the school district decides that an amendment of the records in accordance with the
912 request is not warranted, it shall so inform the parent or eligible student and advise
913 him/her of the right to a hearing pursuant to this policy.
- 914

915 **X. HEARING RIGHTS AND PROCEDURES**

916 A. Rights

- 917 1. Upon written request of a parent or eligible student to the Superintendent of
918 Schools, an opportunity for a hearing shall be provided to challenge the content
919 of a student's education records on the grounds that the information contained
920 in the education records is inaccurate, misleading, or otherwise in violation of
921 the privacy rights of the student.
922
923
924
925 2. If, as a result of the hearing, the school district decides that information
926 contained in the education records of a student is inaccurate, misleading, or
927 otherwise in violation of the privacy rights of the student, the records shall be
928 amended, and the parent or eligible student shall be informed in writing.
929
930 3. If, as a result of the hearing, the school district decides that information
931 contained in the education records of a student is not inaccurate, misleading, or
932 otherwise in violation of the privacy rights of the student, the parent or eligible
933 student shall be informed of the right to place in the student's education
934 records a statement commenting on the contested information or stating why
935 he or she disagrees with the district's decision, or both.
936
937 a. Any statement placed in the records of the student shall be
938 maintained by the school system as part of the records of the
939 student as long as the record or contested portion is maintained by
940 the school system.
941
942 b. If the contested portion of the education record is disclosed by the
943 school system, the statement of disagreement by the parents and/or
944 eligible student shall also be disclosed.

945 B. Procedures

- 946 1. The hearing shall be held within a reasonable time after the school system has
947 received the request, unless the parent or eligible student requests a delay.
948
949 2. The parent or eligible student shall be given notice of the date, place, and time
950 of the hearing, within a reasonable time in advance of the hearing.
951
952 3. The hearing will be conducted by a person or persons appointed by the
953 Superintendent of Schools. This person(s) shall be knowledgeable of the
954 policies relating to confidentiality and shall not have a direct interest in the
955 outcome of the hearing.
956
957 4. The parent or eligible student and the school system shall have the right to be
958 represented by person(s) of their choosing at their own expense, to cross-

961 examine witnesses, to present evidence, and to receive a written decision of the
962 hearing.
963

964 5. The decision reached through the hearing shall be made in writing within a
965 reasonable period of time after the hearing. The decision will be based solely
966 upon the evidence presented at the hearing and shall include a summary of the
967 evidence and the reasons for the decision.
968

969 **XI. WAIVER OF RIGHTS**

970 971 A. A student who is an applicant for admission to an institution of post-secondary
972 education, or is in attendance at an institution of post-secondary education, may
973 waive his or her right to inspect and review confidential letters and confidential
974 statements of recommendations with the following limitations:
975

- 976 1. The student is notified, upon request, of the names of all individuals providing
977 the letters or statements.
978
979 2. The letters or statements are used only for the purpose for which they were
980 originally intended.
981
982 3. The waiver is not required by the district as a condition of admission to or
983 receipt of any other service or benefit from the district.
984
985 4. The waiver is in writing and executed by the student, regardless of age, rather
986 than by the parent.
987

988 B. A waiver may be revoked with respect to any actions occurring after the
989 revocation.
990

991 C. Revocation of a waiver must be in writing.
992

993 **XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED
994 INFORMATION**

995 996 A. The following definitions shall apply to Article XII of this policy:
997

- 998 1. Confidential HIV-Related Information
999

1000 “Confidential HIV-related information” means any information pertaining
1001 to the protected individual or obtained pursuant to a release of confidential
1002 HIV-related information, concerning whether a person has been counseled
1003 regarding HIV infection, has been the subject of an HIV-related test, or has
1004 HIV infection, HIV-related illness or AIDS, or information which
1005 identifies or reasonably could identify a person as having one or more of

1006 such conditions, including information pertaining to such individual's
1007 partners.

2. Health Care Provider

“Health Care Provider” means any physician, dentist, nurse, provider of services for the mentally ill or persons with intellectual disabilities, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or rediscovery.

1052 2. Confidential HIV-related information is not public information and any
1053 disclosure, other than to persons pursuant to a legally sufficient release or
1054 to persons authorized by law to receive such information without a legally
1055 sufficient release, violates the law and Board policy.
1056

1057 C. Accessibility of Confidential HIV-related Information
1058

- 1059 1. No school staff member who obtains confidential HIV-related information
1060 may disclose or be compelled to disclose such information, except to the
1061 following:
- 1062 a) the protected individual, his/her legal guardian or a person
1063 authorized to consent to health care for such individual;
1064
1065 b) any person who secures a release of confidential HIV-related
1066 information;
1067
1068 c) a federal, state or local health law officer when such disclosure is
1069 mandated or authorized by federal or state law;
1070
1071 d) a health care provider or health facility when knowledge of the
1072 HIV-related information is necessary to provide appropriate care or
1073 treatment to the protected individual or when confidential HIV-
1074 related information is already recorded in a medical chart or record
1075 and a health care provider has access to such record for the purpose
1076 of providing medical care to the protected individual;
1077
1078 e) a medical examiner to assist in determining cause of death; or
1079
1080 f) any person allowed access to such information by a court order.
1081

1082 D. Procedures
1083

- 1084 1. If a school staff member, other than school medical personnel, is given
1085 confidential HIV-related information regarding a protected individual, who
1086 is also a student, from the student's legal guardian or the student, the
1087 school staff member shall attempt to secure a release of confidential HIV-
1088 related information for the sole purpose of disclosing such information to
1089 school medical personnel.
1090
1091 2. If a school medical personnel member is given confidential HIV-related
1092 information regarding a protected individual, who is also a student, by a
1093 student's legal guardian, or by the student, and the legal guardian or the
1094 student requests accommodations to the student's program for reasons
1095 related thereto, the school medical personnel member shall inform the
1096 legal guardian or the student, if an eligible student, that a release of
1097

- 1098 confidential HIV-related information is necessary before such information
1099 may be disclosed to other educational personnel capable of assessing the
1100 need for and implementing appropriate accommodations to the student's
1101 program.
- 1102
- 1103 3. Any school staff member who obtains confidential HIV-related
1104 information from a source other than the protected individual or his/her
1105 legal guardian, shall keep such information confidential and shall not
1106 disclose such information.
- 1107
- 1108 4. No school staff member may disclose confidential HIV-related
1109 information to other school staff members without first obtaining a release
1110 of confidential HIV-related information.
- 1111
- 1112 5. Any record containing confidential HIV-related information shall be
1113 maintained in a separate file, and shall not be subject to the provisions of
1114 this policy regarding accessibility of general student records.
- 1115
- 1116 6. If school medical personnel determine that the health and safety of the
1117 student and/or others would be threatened if a release of confidential HIV-
1118 related information is not obtained, the school medical personnel may seek
1119 a court order authorizing disclosure. In such cases, such confidential HIV-
1120 related information may be disclosed as set forth in and subject to any
1121 limitation of such court order.
- 1122

1123 E. Disclosures Pursuant to a Release

1124

- 1125 1. Any disclosure pursuant to a release shall be accompanied by a notice in
1126 writing stating, "This information has been disclosed to you from records
1127 whose confidentiality is protected by state law. State law prohibits you
1128 from making any further disclosure of it without the specific written
1129 consent of the person to whom it pertains, or as otherwise permitted by
1130 said law. A general authorization for the release of medical or other
1131 information is NOT sufficient for this purpose."
- 1132
- 1133 2. Oral disclosures must be accompanied or followed by the above notice
1134 within ten (10) days.
- 1135
- 1136 3. Except for disclosures made to a federal, state or local health officer when
1137 such disclosure is mandated or authorized by federal or state law, a
1138 notation of all disclosures shall be placed in the medical record or with any
1139 HIV-related test result of a protected individual, who shall be informed of
1140 such disclosures on request.

1141 **XIII. CHILD ABUSE REPORTING**

1142

1144 Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child
1145 abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy #4119 & #4120.

1147 XIV. RIGHT TO FILE A COMPLAINT

1149 FERPA affords parents and eligible students the right to file a complaint with the U.S.
1150 Department of Education concerning alleged failures by the school district to comply with the
1151 requirements of FERPA. The name and address of the office that administers FERPA is:

1158 Legal References:

1160 State Law:

1162	Conn. Gen. Stat. § 1-210 <i>et seq.</i>
1163	Conn. Gen. Stat. § 10-220h
1164	Conn. Gen. Stat. § 10-15b
1165	Conn. Gen. Stat. § 10-233d
1166	Conn. Gen. Stat. § 10-234aa
1167	Conn. Gen. Stat. § 10-234bb
1168	Conn. Gen. Stat. § 10-234cc
1169	Conn. Gen. Stat. § 10-234dd
1170	Conn. Gen. Stat. § 10-234ff
1171	Conn. Gen. Stat. § 10-234gg
1172	Conn. Gen. Stat. § 10-220d
1173	Conn. Gen. Stat. § 10-253
1174	Conn. Gen. Stat. § 17-16a
1175	Conn. Gen. Stat. § 17a-28
1176	Conn. Gen. Stat. § 17a-101k
1177	Conn. Gen. Stat. § 19a-581 <i>et seq.</i>
1178	Conn. Gen. Stat. § 46b-134

1180 Regs. Conn. State Agencies § 10-76d-18

1182 State Department of Education, Guidance on Civil Rights Protections and
1183 Supports for Transgender Students, June 2017

1185 State Department of Education, Guidance on Civil Rights Protections and 1186 Supports for Transgender Students: Frequently Asked Questions, June 2017

1188 State Department of Education memorandum dated December 21, 2010, on
1189 school choice recruitment

1190
1191 Office of the Public Records Administrator, Retention Schedule M8-Education
1192 Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>
1193
1194
1195
1196 Federal Law:
1197 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
1198
1199 USA Patriot Act of 2001, Pub. L. No. 107-56
1200
1201 Every Student Succeeds Act, Pub. L. No. 114-95
1202
1203 Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296
1204
1205 The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. No. 114-95.
1206
1207
1208 34 C.F.R. §§ 99.1 - 99.67
1209 34 C.F.R. § 106.45
1210 34 C.F.R. §§ 300.560 - 300.576
1211 Balancing Student Privacy and School Safety: A Guide to the Family Educational
1212 Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department
1213 of Education (October 2007), available at
1214 <http://www.ed.gov/policy/gen/guid/fpcos/ferpa/safeschools/>.
1215
1216
1217 Date of Adoption: December 12, 2023
1218
1219 First Reading: January 13, 2026

#6130

Curricular Exemptions
(formerly Exemptions from Instruction)

Mandatory Curricular Exemptions

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

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

Definitions

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

"Family life education instruction" is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition and the emotional, physical, psychological, hygienic, economic and social aspects of family life.

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

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

Written Request for Mandatory Exemption

Parents who wish to exercise such exemptions must notify the building principal in writing in advance of the instruction to be provided.

44 **Other Curricular Exemptions**

45

46 The Board does not require teachers to exempt students from any aspect of the curriculum
47 except as the law may require. Parents who wish to request a curricular exemption other than
48 those noted above must notify the building principal in writing in advance of the instruction to
49 be provided. The school district administration will consider whether to permit a requested
50 exemption in accordance with applicable law.

51

52 **Alternative Assignments**

53

54 1. Any student excused from participating in, or observing, the dissection of any animal as
55 part of classroom instruction shall be required to complete an alternate assignment to be
56 determined by the teacher.

57

58 2. Any student excused from participating in the sexual abuse and assault awareness and
59 prevention program or a firearm safety program shall be provided, during the period of time in
60 which the student would otherwise be participating in such program, an opportunity for other
61 study or academic work as determined by the teacher.

62

63 3. Any student excused from any other aspect of the curriculum may be required by the
64 teacher to complete an alternative assignment as determined by the teacher.

65

66 Legal References:

67

68 Conn. Gen. Stat. § 10-16c.

69 Conn. Gen. Stat. § 10-16e.

70 Conn. Gen. Stat. § 10-18c.

71 Conn. Gen. Stat. § 10-18d.

72 Conn. Gen. Stat. § 10-19(b).

73 Conn. Gen. Stat. § 17a-101q.

74

75 *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025)

76

77 Date of Adoption: April 21, 1998

78 Date of Revision: October 20, 1998

79 Date of Revision: November 29, 2022

80

81 First Reading: January 13, 2026

#6050

Parental Access to Instructional Material

In accordance with federal law, state law, and Madison Board of Education (the “Board”) policy, parents or guardians shall be permitted access to instructional material used as part of the educational curriculum for any student and all curriculum approved by the Board’s curriculum committee established pursuant to section 10-220 of the Connecticut General Statutes and all associated curriculum materials (“Curriculum”). Curriculum does not include academic tests or academic assessments.

Beginning with the 2026-2027 school year, and each school year thereafter, the Board shall post the objectives and scope and sequence of all approved curriculum on its website.

"Instructional Material" means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Upon request, the district shall permit parents or guardians to inspect any Instructional Material and Curriculum. The district shall grant reasonable access to Instructional Material and Curriculum within a reasonable period of time after a request is received from a parent or guardian.

Legal Reference:

Federal Law:

Elementary and Secondary Education Act of 1965, 20 U.S.C. § 1232h, as amended by Every Student Succeeds Act, Pub. L. 114-95

State Law:

Conn. Gen. Stat. § 10-220. Duties of Boards of Education

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."

Date of Adoption: December 10, 2024

First Reading: January 13, 2026