



# Policy Committee

## Exhibits

### **Policy for Review, Second Reading:**

- 5110.4 Student Discipline

### **Policy for Review, Waive Second Reading:**

- 4119 Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees
- 5180.1 Confidentiality and Access to Education Records
- 6130.2.2 Curricular Exemptions
- 6050 Parental Access to Instructional Material

## 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.

## #5110.4

**Student Discipline****(formerly Suspension/Expulsion/Exclusion  
From School/School Activities)**

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

**I. Definitions**

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

- F. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- G. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- H. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- I. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- J. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- K. **Generative Artificial Intelligence ("AI")** refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.
- L. **Protected Class Harassment** is a form of discrimination on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, status as a victim of sexual assault or status as a victim of trafficking in persons, or any other basis prohibited by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment against any individual on the basis of that individual's association with someone in a Protected Class may be a form of Protected Class harassment.

- M. **In-School Suspension** means an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- N. **Martial Arts Weapon** means a nunchaku, kama, kasari fundo, octagon sai, tonfa or Chinese star.
- O. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- P. **School Days** shall mean days when school is in session for students.
- Q. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- R. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- S. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- T. [Synthetically created image means any photograph, film, videotape or other image of a person that \(A\) is \(i\) not wholly recorded by a camera, or \(ii\) either partially or wholly generated by a computer system, and \(B\) depicts, and is virtually indistinguishable from what a reasonable person would believe is the actual depiction of, an identifiable person.](#)
- U. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- V. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the District to another regular education classroom program in the District shall not constitute a suspension or expulsion.
- W. For purposes of this policy, references to “school”, “school grounds”, and “classroom” shall include physical educational environments, including on school transportation, as well as in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning.

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

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

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

B. Conduct off School Grounds:

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

C. Seriously Disruptive of the Educational Process

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

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

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

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

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures,
4. The possession, display and/or dissemination of obscenity or pornographic images or the unauthorized or inappropriate possession, display and/or dissemination of images, pictures or 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



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

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

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

#### **IV. Discretionary and Mandatory Expulsions**

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

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

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

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

## V. Procedures Governing Behavior that Causes a Serious Disruption

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

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

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

## **VII. Procedures Governing Suspension**

- A. The responsible administrator or administrator's designee, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than five (5) consecutive in-school day; ten (10) consecutive school days for an out-of-school suspension for students in grades three through twelve, inclusive; or five (5) consecutive school days for an out-of-school suspension for students in grades preschool to two, inclusive. In cases where suspension is contemplated, the following procedures shall be followed.
  1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the responsible administrator or administrator's designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
  2. [Prior to conducting the informal hearing referenced above, 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. If a student is determined to be a homeless child or youth, the responsible administrator or the administrator's designee must consider the impact of homelessness on the student's behavior during the informal hearing.](#)
  3. If suspended, such suspension shall be an in-school suspension, except the responsible administrator or administrator's designee may impose an out-of-school suspension on any pupil:
    - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible administrator or administrator's designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that 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.

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

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

**IX. Procedures Governing Expulsion Hearing**

A. Emergency Exception

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

B. Hearing Panel:

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

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

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

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to student's parent(s) or guardian(s) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to student's parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. The date, time, place and nature of the hearing, including if the hearing will be held virtually, via video conference.
  - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
  - c. A short, plain description of the conduct alleged by the Superintendent or 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

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

14. If a student is determined to be a homeless child or youth as described in Subsection IX.C(4), the Board (or the impartial board) must consider the impact of homelessness on the student's behavior. Such student may not be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the student's behavior. If the student is identified as a homeless child or youth and is expelled more than one time, the student shall be provided a meeting with the District's Homeless Education Liaison.

15. Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or Superintendent's designee shall be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or Superintendent's designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial board) as to the appropriate discipline to be applied.

16. The Board (or the impartial board) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

17. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board (or the impartial board). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

18. The Board (or the impartial board) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

19. The hearing may be conducted virtually, via video conference, at the direction of the Board (or the impartial board), in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health or other emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

E. Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:

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

**F. Stipulated Agreements:**

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

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

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

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

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

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

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

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

- 669 2. The Board of Education is not required to offer an alternative educational opportunity to  
670 any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second,  
671 or subsequent, time.

- 672 3. The Board of Education shall count the expulsion of a student when the student was under  
673 sixteen (16) years of age for purposes of determining whether an alternative educational  
674 opportunity is required for such student when the student is between the ages of sixteen  
675 and eighteen.

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

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

679 D. Content of Alternative Educational Opportunity

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

- 688 . The Superintendent, or designee, shall develop administrative regulations concerning  
689 alternative educational opportunities, which administrative regulations shall be in  
690 compliance with the standards adopted by the State Board of Education. Such  
691 administrative regulations shall include, but not limited to, provisions to address student  
692 placement in alternative education; individualized learning plans; monitoring of student(s)  
693 placements and performance; and a process for transition planning.

694 E. Students identified as eligible for services under the Individuals with Disabilities Education  
695 Act ("IDEA"):

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

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

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

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

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

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

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

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

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged 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 suspension or expulsion by the student would constitute the student's first such offense.

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

**A. Student moving into the District:**

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

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

B. Student moving out of the District:

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

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

A. Suspension of IDEA students:

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

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



C. Removal of Special Education Students for Certain Offenses:

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

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

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

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

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

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

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

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

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

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

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

#### **XVI. Early Readmission to School**

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

#### **XVII. Dissemination of Policy**

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

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

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

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

### Legal References:

Connecticut General Statutes:

- [§ 10-15c](#)      [Discrimination in public schools prohibited. School attendance by five-year olds](#)
- § 10-16      Length of school year
- § 10-74j      Alternative education
- §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
- [§ 10-222aa through 10-222kk School](#) Climate
- §§ 10-233a through 10-233f      Suspension and expulsion of students
- § 10-233l      Expulsion and suspension of children in preschool programs
- [§ 10-236c](#)      [Disruptive or harmful behavior. Behavior intervention meetings for certain students. Notice to parents](#)
- § 10-253      School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.
- § 19a-342a      Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties
- § 21a-240      Definitions
- § 21a-277      Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- § 21a-278      Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person

§§ 21a-408a through 408p Palliative use of marijuana

§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions

§ 29-38 Weapons in vehicles

[§ 46a-58](#) [Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution](#)

§ 53a-3 Definitions

§ 53-206 Carrying of dangerous weapons prohibited

§ 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one.

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Public Act No25-168, Sec. 261, “An Act Concerning the State budget for the Biennium Ending June 30, 2027, and Making Appropriations Therfor, and Provisions Related to Revenue and Other Items Implementing the State Budget.”(definition of “synthetically created image”)

Public Act [25-93](#), “An Act [Increasing Resources for Students, Schools and Special Education.](#)”

[Public Act 25-139, “An Act Concerning Human Trafficking and Sexual Assault Victims.”](#)

*Packer v. Board of Educ. of the Town of Thomaston*, 717 A.2d 117 (Conn. 1998).

*State v. Hardy*, 896 A.2d 755 (Conn. 2006).

*State v. Guzman*, 955 A.2d 72 (Conn. App. Ct. 2008).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

#### Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

[Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, \*et seq.\*](#)

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

[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	<i>Honig v. Doe</i> , 484 U.S. 305 (1988)
995	U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil
996	Rights Division, <i>Resource on Confronting Racial Discrimination in Student Discipline</i>
997	(May 2023)
998	<a href="#"><u>Take It Down Act, Public L. 119-12</u></a>
999	<a href="#"><u>McKinney Vento Homeless Assistance Act, 42 U.S.C. § 11343a</u></a>
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1002	
1003	Date of Adoption: October 6, 2020
1004	Date of Revision: January 4, 2022
1005	Date of Revision: December 12, 2023
1006	Date of Revision: September 3, 2024
1007	
1008	First Reading: December 9, 2025
1009	Second Reading: January 13, 2026

#4119

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

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Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a 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.

1. Scope of Policy

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

2. Definitions

For the purposes of this policy:

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

**#4119(b)**

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

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

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

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

### 3. What Must Be Reported

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

**#4119(c)**

believe that any child under the age of eighteen years:

- i) has been abused or neglected;
  - ii) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon the child;
  - iii) is placed at imminent risk of serious harm; or
- b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
- i) sexual assault in the first degree;
  - ii) aggravated sexual assault in the first degree;
  - iii) sexual assault in the second degree;
  - iv) sexual assault in the third degree;
  - v) sexual assault in the third degree with a firearm; or
  - vi) sexual assault in the fourth degree.

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



#4119(d)

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.
- d.) A Board employee is not precluded from conducting a preliminary inquiry to determine if reasonable cause exists to make a report. Such preliminary inquiry shall not be considered an investigation conducted by the Board. Preliminary inquiries must be conducted in accordance with the training for school employees for the accurate and prompt identification and reporting of child abuse and neglect developed by the Department of Children and Families (“DCF”).

4. Reporting Procedures for Statutorily Mandated Reporters

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

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

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

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

- (b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
- (2) The employee shall also make an oral report as soon as practicable to the Building Principal or Building Principal's designee, and/or the Superintendent or Superintendent's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or Superintendent's designee directly.
- (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student by a school employee, the Superintendent or Superintendent's designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written or electronic report to the Commissioner of DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
- (5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or Building Principal's designee and to the Superintendent or the Superintendent's designee.

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

5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

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

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

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

(2) If the Superintendent or Superintendent's designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee, the Superintendent shall cause reports to be made in accordance 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

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196 Any report made pursuant to this policy shall contain the following information, if known:

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- 198 a) The names and addresses of the child\* and the child's parents or other person
- 199 responsible for the child's care;
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- 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

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

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

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

7. Investigation of the Report

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

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

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

d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.

e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

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

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

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

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

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

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

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

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- 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.

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

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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.

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332   10. Delegation of Authority by Superintendent

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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.

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337   11. Confidential Rapid Response Team

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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



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

12. Disciplinary Action for Failure to Follow Policy

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

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

14. Non-Discrimination Policy/Prohibition Against Retaliation

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

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

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

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

#### 16. Training

a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.

b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.

c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

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

#### 17. Records

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

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

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

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

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

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

#4119(o)

## Legal References:

## Connecticut General Statutes:

Section 10-151	Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.
Section 10-221s	Posting of Careline telephone number in schools. Investigations of child abuse and neglect. Disciplinary action.
Section 17a-101 <u>et seq.</u>	Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.
Section 17a-101q	Statewide Sexual Abuse and Assault Awareness and Prevention Program.
Section 17a-103	Reports by others. False reports. Notifications to law enforcement agency.
Section 46b-120	Definitions.
Section 53a-65	Definitions.

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First Reading: January 10, 2023

Second Reading: January 24, 2023

Date of Revision: January 24, 2023

First Reading: January 13, 2026

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Appendix A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with a dead human body; or (4) such person is a psychotherapist and subjects another person to sexual 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.  
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**Confidentiality and Access to Education Records**

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**I. POLICY**

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

**II. DEFINITIONS**

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

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

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

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

H. Education Records

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

2. Education records do not include:

- a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
- b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;
- c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively to the student's capacity as an employee, and 3) are not made available for any other purpose;
- d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals

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

e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

f) grades on peer-graded papers before they are collected and recorded by a teacher.

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

J. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill their professional responsibilities. The District's Title IX Coordinator has a legitimate educational interest when performing the functions of their professional duties.

K. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1986 may receive access to the student's education records without the eligible student's consent.

L. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

M. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a

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

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

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

- A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the school district and will also be published in the school district's guide to Pupil Personnel **[or Special Education]** Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.
- B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as **directory information**. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

### IV. CONFIDENTIALITY OF EDUCATION RECORDS

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

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

V. **ACCESS TO EDUCATION RECORDS**

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

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

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

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

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

J. Non-custodial Parents:

1. Divorced Parents

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

2. Incarcerated Parents

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

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

K. Unaccompanied Youth:

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

L. Copies of Education Records/Fees:

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



- b. make other arrangements for the parent or eligible student to inspect and review the requested records.

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

- A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.
- B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:
1. the name of any individual, agency, or organization that requested or obtained access to the student's records;
  2. the date of the request for access;
  3. whether access was given;
  4. the purpose for which the party was granted access to the records;
  5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
  6. the legitimate educational interest in obtaining the information.
- C. The record (log) requirement does not apply to requests from, or disclosure to:
1. a parent or eligible student;
  2. a party seeking directory information;
  3. a party who has a signed and dated written consent from the parent and/or eligible student;

4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
5. persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:

1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
2. the parties to whom the district disclosed the information.

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

A. The school system or its designated agent(s) may not permit release of education records or any information from such records that contain personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Article VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. **School Officials:**

- a) The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

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- 412                   b)     A contractor, consultant, volunteer, or other party to whom the
- 413                             district has outsourced institutional services or functions, provided
- 414                             that the party:
- 415
- 416                             1)     performs an institutional service or function for which the
- 417                                     district would otherwise use employees;
- 418
- 419                             2)     is under the direct control of the district with respect to the
- 420                                     use and maintenance of education records; and
- 421
- 422                             3)     is subject to the requirements of FERPA with respect to the
- 423                                     use and redisclosure of personally identifiable information
- 424                                     from education records.
- 425
- 426                   c)     The Board shall comply with the below Section I of this Article VII
- 427                             prior to the provision of student records, student information or
- 428                             student-generated content to any school official who is a consultant
- 429                             or operator, as those terms are defined in Section I.
- 430

431                   2.     Transfer Students:

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- 433                   a)     The disclosure is to officials of another school, including other
- 434                             public schools, charter schools, and post-secondary institutions, in
- 435                             which the student seeks or intends to enroll, or where the student is
- 436                             already enrolled so long as the disclosure is for purposes related to
- 437                             the student's enrollment or transfer. Disclosure of personally
- 438                             identifiable information will be made only upon condition that the
- 439                             student's parents be notified of the transfer, receive a copy of the
- 440                             record if desired, and have an opportunity for a hearing to
- 441                             challenge the content of the record pursuant to Article X.
- 442
- 443                   b)     When a student enrolls in a new public school district (including a
- 444                             public charter school), the receiving school district must send
- 445                             written notice of such enrollment to the school the student
- 446                             previously attended not later than two (2) business days after the
- 447                             student enrolls. Not later than ten (10) days after receipt of such
- 448                             notice, the sending school shall transfer the student's records to the
- 449                             new school district.
- 450
- 451                   c)     Upon notification by the Department of Children and Families
- 452                             ("DCF") of a decision to change the school placement for a student
- 453                             attending district schools who is placed in out-of-home care by
- 454                             DCF pursuant to an order of temporary custody or an order of
- 455                             commitment, in accordance with Section 46b-129 of the
- 456                             Connecticut General Statutes, the Board shall transmit to the

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

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

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

other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Article VI.D, above.

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

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

**D. Directory Information**

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

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

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

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

**F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

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

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

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



1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the FERPA. As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

I. Except as set forth in Subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.

1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.

2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September 1<sup>st</sup> of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:

a. State that the contract has been executed and the date that such contract was executed;

b. Provide a brief description of the contract and the purpose of the contract; and

c. State what student information, student records or student-generated content may be collected as a result of the contract.

3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory

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

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

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

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- 824 1) enter into a contract with such consultant or operator to use such
- 825 Internet web site, online service or mobile application, in
- 826 accordance with the provisions of Conn. Gen. Stat. § 10-234bb;
- 827 and
- 828
- 829 2) find an equivalent Internet web site, online service or mobile
- 830 application operated by a consultant or an operator that
- 831 complies with the provisions of Conn. Gen. Stat. § 10-234bb;
- 832
- 833 c. The consultant or operator complies with the provisions of Conn. Gen.
- 834 Stat. § 10-234cc for such use; and
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- 836 d. The parent or legal guardian of such child, and, in the case of a child
- 837 with an individualized education program, a member of the planning
- 838 and placement team, signs an agreement that:
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- 840 1) acknowledges such parent or legal guardian is aware that such
- 841 Internet web site, online service or mobile application is unable
- 842 to comply with the provisions of Conn. Gen. Stat. § 10-234bb;
- 843 and
- 844
- 845 2) authorizes the use of such Internet web site, online service or
- 846 mobile application.
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- 848 e. The Board shall, upon the request of a parent or legal guardian of a
- 849 child, provide the evidence described in Subsection 5.b, above.
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851 **VIII. REDISCLOSURE OF EDUCATION RECORDS**

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- 853 A. The school district may disclose personally identifiable information from an education
- 854 record only on the conditions that:
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- 856 1. the party to whom the information is disclosed will not subsequently redisclose
- 857 the information to any other party without the proper consent of the parent or
- 858 eligible student, and
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- 860 2. the officers, employees, and agents of a party that receives such information
- 861 may only use the information for the purposes for which disclosure was made.
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- 863 B. Notwithstanding the provisions of Section A above, the school district may disclose
- 864 personally identifiable information from an education record with the understanding
- 865 that the information may be redisclosed by the recipient of the information as long as
- 866 prior written consent for disclosure is not required, for one of the reasons listed in
- 867 Article VII, Section C above, and at least one of the following conditions is met.
- 868

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

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

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

**X. HEARING RIGHTS AND PROCEDURES****A. Rights**

1. Upon written request of a parent or eligible student to the Superintendent of Schools, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.
3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.
  - a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
  - b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

**B. Procedures**

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

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

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

## **XI. WAIVER OF RIGHTS**

- A. A student who is an applicant for admission to an institution of post-secondary education, or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:
  1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
  2. The letters or statements are used only for the purpose for which they were originally intended.
  3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.
  4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.

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

- A. The following definitions shall apply to Article XII of this policy:

1. Confidential HIV-Related Information

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

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

2. Health Care Provider

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

3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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



- 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.

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1057 C. Accessibility of Confidential HIV-related Information  
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- 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:  
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1063 a) the protected individual, his/her legal guardian or a person  
1064 authorized to consent to health care for such individual;  
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1066 b) any person who secures a release of confidential HIV-related  
1067 information;  
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1069 c) a federal, state or local health law officer when such disclosure is  
1070 mandated or authorized by federal or state law;  
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1072 d) a health care provider or health facility when knowledge of the  
1073 HIV-related information is necessary to provide appropriate care or  
1074 treatment to the protected individual or when confidential HIV-  
1075 related information is already recorded in a medical chart or record  
1076 and a health care provider has access to such record for the purpose  
1077 of providing medical care to the protected individual;  
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1079 e) a medical examiner to assist in determining cause of death; or  
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1081 f) any person allowed access to such information by a court order.  
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1083 D. Procedures  
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- 1085 1. If a school staff member, other than school medical personnel, is given  
1086 confidential HIV-related information regarding a protected individual, who  
1087 is also a student, from the student's legal guardian or the student, the  
1088 school staff member shall attempt to secure a release of confidential HIV-  
1089 related information for the sole purpose of disclosing such information to  
1090 school medical personnel.  
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1092 2. If a school medical personnel member is given confidential HIV-related  
1093 information regarding a protected individual, who is also a student, by a  
1094 student's legal guardian, or by the student, and the legal guardian or the  
1095 student requests accommodations to the student's program for reasons  
1096 related thereto, the school medical personnel member shall inform the  
1097 legal guardian or the student, if an eligible student, that a release of

confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

**E. Disclosures Pursuant to a Release**

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

**XIII. CHILD ABUSE REPORTING**

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

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

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

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

#### **Legal References:**

##### **State Law:**

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

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

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

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

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

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

Federal Law:

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

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

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

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

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

34 C.F.R. §§ 99.1 - 99.67

34 C.F.R. § 106.45

34 C.F.R. §§ 300.560 - 300.576

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

Date of Adoption: December 12, 2023

First Reading: January 13, 2026

**Curricular Exemptions**  
**(formerly Exemptions from Instruction)**

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**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.

**Other Curricular Exemptions**

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

**Alternative Assignments**

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

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

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

**Legal References:**

Conn. Gen. Stat. § 10-16c.

Conn. Gen. Stat. § 10-16e.

Conn. Gen. Stat. § 10-18c.

Conn. Gen. Stat. § 10-18d.

Conn. Gen. Stat. § 10-19(b).

Conn. Gen. Stat. § 17a-101q.

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

Date of Adoption: April 21, 1998

Date of Revision: October 20, 1998

Date of Revision: November 29, 2022

First Reading: January 13, 2026

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**Parental Access to Instructional Material**

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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