



Policy Committee

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- 5110.4 Student Discipline
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Repeal and Replace:

- 5180.1 Records / Confidentiality
- 5180.1.1 Directory Information
- 5180.1.2 Relations with Non-Custodial Parents
- 5125.1 Health/Medical Records
- 9450 Committees
 - Repeal and Replace:*
 - 9450 Board Committees
 - 9450.1 Committee of the Whole
 - 9460 Advisory Committees

Policy Summary

December 12, 2023

Policy for Rescission, First Reading:

9540.11 News Media Service at Meetings

This bylaw is not required and we recommend repeal. If the Board wishes to retain this policy, we recommend further legal review to ensure compliance with the FOIA. Further, if the Board wishes to develop rules about the recording of meetings by the news media and others, such rules must be prescribed by Board rule in advance of the meeting and can be done through this bylaw.

9900 School Board Legislative Program

This bylaw is not required and we recommend repeal. The Board is legally bound to comply with federal and state law (and changes in the law), but it does not need a policy so reflecting. If the Board wishes to designate a member to stay abreast of legislative changes, it may do so without this bylaw in place.

9910 State Legislative Program

This bylaw is not required and we recommend repeal.

5120.9.4 Bicycle and Rollerblade Use

This policy is not mandatory and we recommend repeal. The use of rollerblades is outdated and likely inapplicable. Further, bicycle riding concerns the day-to-day operation of the school, and is thus more appropriately included in a regulation or school procedure. Recommend the Board consider making this a regulation and combining it with 5120.9.5. *** *It is included in student handbooks and varies from building to building – examples will be included in packet****

5120.4.2.3 Substance Abuse Counseling

We recommend repealing this policy and replacing it with the Model Policy Drug and Alcohol Use By Students, which includes language concerning counseling and support for students with substance abuse problems. *** The model policy was adopted in April 2022

Policy for Rescission, Second Reading:

5100.9.1 Student Recruitment

We recommend this policy be repealed and replaced with the model Uniform Treatment of Recruiters policy in Series 2000, and the model Student Records (FERPA) policy. These Model Policies include all of the necessary information. (Uniform Treatment of Recruiters policy has already been adopted)

9740 Board-Community Relations

This bylaw is not required and we recommend repeal. To the extent this bylaw addresses the creation of special committees, we recommend that the Board adopt our model bylaw, Committees, for consistency.

Policy for Review, First Reading

9510 Time, Place and Notice of Meetings

- *Repeal and Replace*
 - 9510 Regular Board Meetings
We recommend repeal and replacement with our model bylaw, Time, Place and Notice of Meetings, for consistency and legal compliance.
 - 9520 Special Board Meetings
We recommend repeal and replacement with our model bylaw, Time, Place and Notice of Meetings, for consistency and legal compliance.
 - 9540.1 Notification of Board Meetings
We recommend repeal and replacement with our model bylaw, Time, Place and Notice of Meetings, for consistency and legal compliance.

5090.8.1 Search and Seizure

We recommend this policy be repealed and replaced with S&G's model Search and Seizure policy, for legal compliance and consistency. The policy contains accompanying administrative regulations regarding search and seizure, as well as optional regulations regarding the use of dogs and breathalyzers on school property).

5090.3.1 Student Dress

It appears that the Board uses a version of the model policy. We recommend revision based on the CROWN Act, which was passed by the legislature in the spring of 2021, and prohibits discrimination based on protective hairstyles. The current model policy, available in the client portal, includes the recent updates.

5144.4 Physical Activity, Undirected Play and Student Discipline

Public Act No. 23-159 and Public Act No. 23-101 add new play-based learning requirements for pre-school through fifth grade. Beginning with the 2024-2025 school year, each board of education must provide for play-based learning during the instructional time of each regular school day for students in preschool and kindergarten. Teachers who instruct students in grades one to five must be permitted to utilize play-based learning during the instructional time of a regular school day. We revised this policy to include these upcoming play-based learning requirements. The new law also includes a definition of “recess,” which has been incorporated throughout the policy. Finally, we have made minor technical revisions for clarity.

Policy for Review, Second Reading:

5110.4 Student Discipline

We have revised this policy to add a definition of “Protected Class Harassment” and clarify that Protected Class Harassment is an offense that may lead to disciplinary action. Further, pursuant to changes in Connecticut law regarding the legalization of cannabis under certain circumstances, we have clarified that the sale or distribution of less than one kilogram of cannabis is not subject to mandatory expulsion pursuant to Connecticut General Statutes Section 10-233d. We have also made additional technical revisions for clarity.

5040 Admission to the Public Schools at or Before Age Five

Under current law, boards of education are required to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the district to attend school in accordance with state law. In addition, current law requires children to be at least five years old on or before January 1 of the school year in order to enroll in the public schools. Beginning July 1, 2024, children must turn five years old on or before September 1 of the school year in order for that child's parent or guardian to enroll the child in kindergarten. The new law further provides, effective July 1, 2024, that a child who is not five years old on or before September 1 of the school year may be admitted to public school (1) upon written request by the child's parent or guardian to the school principal and (2) after the principal and an appropriate certified staff member conduct an assessment of the child to ensure that admitting the child is developmentally appropriate. In light of the new statutory requirements, we drafted a new policy to address admission to the public schools. We will continue to monitor whether additional guidance will be provided by the State Department of Education as related to the new statutory provisions.

9540.2 Construction and Posting of Agenda

Pursuant to the Freedom of Information Act, boards of education are required to post an agenda in various locations at least twenty-four hours prior to the time of a regular or special meeting. Section 6 of Public Act 23-160 expands the duties of boards of education to require boards to post on the board's website any associated documents that board members may review at such meeting (provided such documents are not exempt from disclosure under the Freedom of Information Act). We revised our model policy to reflect the new requirements.

5180.1 Confidentiality and Access to Educational Records

- *Repeal and Replace:*
 - 5180.1 Records / Confidentiality
Recommend that the Board repeal this policy and replace it with the model Student Records policy for consistency and legal compliance.
 - 5180.1.1 Directory Information
Recommend that the Board repeal this policy because Directory Information is addressed in the model Student Records (FERPA) policy.
 - 5180.1.2 Relations with Non-Custodial Parents
Recommend that the Board repeal this policy because this topic is addressed in the model Student Records (FERPA) policy.
 - 5125.1 Health/Medical Records
This policy is not mandatory and may be repealed. The information included in the policy is either statutory or agency guidance and is not required to be in policy. The model Student Records (FERPA) policy appropriately addresses the confidentiality of all student records, including medical records.

9450 Committees

- *Repeal and Replace:*
 - 9450 Board Committees
We recommend incorporating this bylaw into the model bylaw, Committees. This bylaw is district-specific and was recently revised in January 2022. During the incorporation, we recommend review of this bylaw to ensure it reflects current committee composition and practice. We also recommend further legal review regarding various provisions,

including but not limited to: (1) provisions regarding each committee's role to make recommendations to the Board, rather than act pursuant to its own authority (e.g., developing a telecommunications plan), (2) the provision allowing the Board Chair to dissolve any committee (which standing committees are established by Board policy) at a regular meeting through action by the Board, and (3) the provision regarding the release of reports to the public, to ensure compliance with the FOIA.

- 9450.1 Committee of the Whole

We recommend repeal and replacement with our model bylaw, Committees, and consolidation with Policy 9450, which we recommend for further legal review regarding issues including, but not limited to, those identified above.

- 9460 Advisory Committees

We recommend repeal and consolidation with our model bylaw, Committees, which addresses the creation of special committees.

#9540.11**News Media Services at Meetings**

The Board believes that one of the paramount responsibilities of a Board of Education is to keep the public informed of its actions. Consequently, the local news media representatives will be welcome to attend all regular, special, and annual meetings of the Board.

A copy of the agenda of all official Board meetings will be made available to members of the working press who request it. In the event that representatives of the news media are unable to attend a meeting, upon request, they will be provided a summary of important Board actions.

All reports approved by the Board will be a matter of official record and, upon request, will be made available to the press or other members of the public. No report-in-progress, including all of those on which the Board has taken no final action, will be released by any Board or staff member unless the Board specifically authorizes its release as a "tentative report."

In situations where individual Board members receive requests from news media representatives for information about Board meetings, members may speak only for themselves and not as spokesperson for the Board unless this responsibility has been specifically delegated to a Board member.

Date of Adoption: 3/7/95

#9900**School Board Legislative Program**

The Board, as an agent of the State, must operate within the bounds of state and federal laws affecting public education. If the Board is to meet its responsibilities to the residents and students of this community, it must work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause. To this end, the Board ...

- Will keep itself informed of pending legislation and actively communicate its concerns and make its position known to elected representatives at both the state and national level.
- May work with its legislative representatives (both state and federal), with the state school boards association, the National School Boards Association, and other concerned groups in developing an annual, as well as long-range, legislative program. One of the major objectives of the Board's legislative program will be to seek full funding for all state and federally mandated programs.
- May annually designate a person—who may or may not be a member of the Board—to serve as its legislative representative. This person will be authorized to speak on the Board's behalf with respect to legislation being considered by the state legislature or the United States Congress or their respective committees. In all dealings with individual elected representatives, the legislature, or Congress, the Board's representative will be guided by the official positions taken by the Board.

Board's Legislative Representative

A legislative representative may serve as the Board's liaison with the state school board association legislative assembly. The legislative representative may attend state school boards' association assemblies, conveying local views and concerns to that body and participating in the formulation of state legislative programs. The legislative representative will monitor proposed school legislation and inform the Board of the issues.

Date of Adoption: 3/7/95

#9910**State Legislative Program**

The Board recognizes the importance of sound and constructive state legislation in establishing the framework and support for public education. It is therefore directly concerned with legislative proposals affecting education.

If the Board has appointed a designated legislative liaison member, that member will report to the Board on legislative proposals, and the Board will make its position known both to the state school boards association and to appropriate state representatives and senators.

The legislative liaison member will also keep the Board informed of pertinent federal legislative proposals and communicate the Board's position to representatives and senators at the national level.

Date of Adoption: 3/7/95

#5120.9.4**Bicycle and Rollerblade Use**

The principal of each building will set specific rules for students for the use of bicycles and rollerblades to and from the school. The privileges of riding a bicycle or using rollerblades may be withdrawn if a student fails to observe the rules for bicycle or rollerblade use set by the school or by Connecticut state law.

In general, students who ride bicycles to school are requested to park them in an orderly fashion and at the location requested by the building principal. To discourage theft, the use of bicycle locks is highly recommended. Students are required to park bicycles upon arrival at school and leave them until ready to return home. Similarly, students who rollerblade to school are requested to remove rollerblades upon arrival at school and store them as designated by the principal until ready to return home. For safety reasons, riding bicycles or rollerblading on school grounds during school hours will not be permitted. Bicycle riders and rollerbladers are expected to know the rules of the road and to follow them.

Additionally, the Board strongly urges compliance with state law requiring the use of bicycle helmets for children and charges parents with monitoring their own child's use of appropriate headgear and other safety gear for both bicycling and rollerblading.

Date of Adoption: April 2, 1996

5120.4.2.3**Substance Abuse Counseling**

Health problems of youth are primarily the responsibility of the home and community, but schools share in that responsibility because substance abuse problems often interfere with school behavior, student learning, and the fullest possible development of each student.

The Board recognizes that substance abuse is a treatable health problem which does not respect any group or age. Under no circumstances does the district condone the use or abuse of chemical substances and the district discipline policy governing such abuse, will continue to be strictly observed.

The Board recognizes that substance abuse affects not only the individual but the total family. Therefore, when a student is involved in substance abuse, services will be offered to assist the student and/or his/her family. These services may include education and awareness, identification, assessment, referral, and follow-up with student support services.

Principals will be responsible for monitoring the implementation of the substance abuse prevention program at their school site. The parents and community are responsible for learning about the school's substance abuse program and cooperating in its implementation.

A curriculum that stresses preventive substance abuse education will be conducted throughout the K - 12 program. The curriculum will be regularly reviewed and updated to assure accurate and comprehensive programming

(cf: 5090.7 Drugs, Alcohol, Tobacco, Inhalants, and Performance Enhancing Substances)

(cf: 5110.4 Suspension / Expulsion / Exclusion from School / School Activities)

(cf: 6080.14.1 Drugs, Alcohol, and Tobacco Education)

Date of Adoption: June 4, 1996

Technical Revision: August 22, 2006

#5100.9.1

Student Recruitment

The Board shall provide full access for the recruitment of students by regional vocational technical schools, regional vocational agricultural centers, inter-district magnet schools, trade schools, charter schools and inter-district student attendance programs. Additionally, the high school shall provide the same on-campus recruiting opportunities to representatives of the armed forces of the United States of America and state armed services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

Student names, addresses and telephone numbers, when requested for recruitment purposes, shall be released unless the parent, legal guardian, or student who has attained majority status as an eligible student notifies the school in writing that they choose to exercise their option to withhold consent to the release of such information. The Board of Education shall notify parents / guardians of the option to make such request and shall comply with any request received.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. 5180.1 Records / Confidentiality)
(cf. 5180.1.1 Directory Information)

Legal Reference: PL 107-110 (No Child Left Behind Act) sec. 9528.
Connecticut General Statutes
1-210(11) Access to public records. Exempt records.
10-220d Student recruitment by a regional and interdistrict specialized schools and programs. Recruitment of athletes prohibited (as amended by P.A. 12-116, An Act Concerning Educational Reform
10-221b Board of education to establish written uniform policy re: treatment of recruiters.

#5100.9.1 (cont.)

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Date of Adoption: October 20, 1998

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Date of Revision: June 20, 2002

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Date of Revision: February 8, 2006

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Technical Revision: August 22, 2006

P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization
Act for Fiscal Year 2001

#9740**Board - Community Relations**

Within the bounds of legal and ethical responsibilities to pupils, the Board will endeavor to inform the community about the operations of the school system to establish two-way communications with the community, and to involve citizens in the work of the schools. The Board of Education and the school district operate most successfully with the support of the community. The quality of education in the district is highly dependent upon what the community believes is a good school program and the extent to which the community is able and willing to support such a program. The Chairperson of the Board of Education and / or a Board member designated by the Chairperson will be responsible for the Board's procedures in the area of Board-Community Relations.

- Members of the Board of Education must recognize their individual community relations responsibility.
- At news conferences and similar public functions, the Chairperson of the Board of Education will speak for the Board. The Chairperson may designate another member to speak in his / her behalf
- The Board may form a citizens' consulting committee to assume assigned responsibilities for specific projects of school district. The committee will serve in an advisory capacity. It will cease to function upon the completion of appointed responsibilities and the presentation of a final written report, unless called upon by the Board for additional duties.
- Citizen consulting committees appointed by the Board of Education will conduct their meetings in open public session, unless the topic under discussion would fall within the permissible "executive session" justifications specified in Bylaw 9530.

9740 (Continued)

- In conjunction with the administration, the Board will maintain two-way communications with the many publics of the school district by (1) providing an information program to aid public understanding of the schools and (2) continuously attempting to assess public opinion as a means of assisting the Board of Education in determining policy and of assisting the professional staff operating the schools.
- An annual evaluation of the policies and procedures regarding the relationship between the Board and the community will be made so that the results may be appraised and necessary changes made to improve the program.

Date of Adoption: 3/7/95

Time, Place, and Notice of Meetings

1.
Regular Meetings

- A. The Madison Board of Education (the “Board”) shall set a calendar of regular meetings for the ensuing year at the first regular meeting in ~~November~~December.
- B. In compliance with the Connecticut General Statutes, the Chairperson ~~for Secretary~~or Chairperson’s designee shall file this calendar with the Town Clerk, and post this calendar on the Board’s Internet web site, ~~if available, by November 30~~ or other date falling on or before January 31].
- C. Normally the Board shall schedule regular meetings on the first and third Tuesday of each month of the year except during school holidays, when the Board shall schedule no regular meetings.
- D. If at any point in the meeting the Board should not maintain a quorum, then the Chairperson of the Board will adjourn the meeting and declare the time and place of the resumption of the meeting, which shall be reflected in a written order of adjournment. A copy of the written order of adjournment will be posted on or near the door of the place where the meeting was held within twenty-four hours after the time of adjournment.
- E. If, in accordance with applicable law, the Board conducts a regular meeting by means of electronic equipment, the Board shall provide, at least forty-eight (48) hours before the meeting, direct notification in writing or by electronic transmission to each member of the Board and post a notice that the Board intends to conduct the meeting solely or in part by means of electronic equipment in the Administrative Offices of the Board, in the office of the Town Clerk, and on the Board’s Internet web site. Such notice shall include instructions for the public to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person, as applicable and permitted by law.

2.
Special Meetings

- A. Special meetings may be held when determined by the Board, when so called by the Chairperson, or within fourteen (14) days upon written request of three members of the Board.
- B. No special meeting shall be held unless a notice stating the time, place and purpose of the meeting has been given to each member and to the Town

Clerk, and has been posted on the Board's Internet web site, if available, twenty-four (24) hours before the time stated for the meeting to convene.

1. If, in accordance with applicable law, the Board holds a special meeting conducted solely or in part by means of electronic equipment, notice of such meeting shall include whether the meeting will be conducted solely or in part by means of electronic equipment. If such meeting is to be conducted by means of electronic equipment, such notice shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting, as applicable and permitted by law.

- C. When a majority of the members agree that an emergency exists which has made a regular notice impossible, such a meeting may be called at a time or place which may be most convenient. In case of such emergency meeting, a copy of the minutes setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk ~~[Regional School District Option: with the Town Clerk of each municipal member of the school district]~~ no later than seventy-two (72) hours following the holding of such a meeting.

3. Meeting Time and Place

- A. All regular meetings of the Board shall begin at 7:30 p.m. or as soon thereafter as a quorum is present. ~~and shall adjourn no later than unless extended to a time certain by a two-thirds vote of the Board members present.~~ All regular meetings of the Board shall be held in Central Office, unless otherwise ordered by the Board.
- B. Special Meetings (non-emergency) of the Board shall be held at a time and place to be determined and announced in advance of meeting.

Legal References:

Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

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| 1-225 | Meetings of government agencies to be public. Recording of votes. Schedule and agenda of certain meetings to be filed and posted on web sites. Notice of special meetings. Executive sessions |
| 1-228 | Adjournment of meetings. Notice |
| 1-229 | Continued hearings. Notice |
| 1-230 | Regular meetings to be held pursuant to regulation, ordinance or resolution |

93 7-3 Warning of town and other meetings
94 7-4 Record of warning
95 10-218 Officers. Meetings

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97 First Reading: December 12, 2023

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#9510
Regular Board Meetings

Scheduling Board Meetings

Regular meetings of the Board shall be held the first and third Tuesday of each month at a consistent time to be determined by the members of the Board. A schedule of meetings shall be made at a regular meeting of the Board. A calendar of such regularly scheduled meetings shall be made known to the Town Clerk of Madison by the Superintendent at least thirty (30) days prior to the first regularly scheduled meeting of the calendar year. Any change in the location, date and / or time of a regular meeting, due to a legal holiday or some other circumstance, shall be determined at a public meeting of the Board. Notice of such change shall be given to the Town Clerk and the public no less than forty-eight (48) hours prior to the revised meeting. If a regularly scheduled meeting of the Board would otherwise fall on the November Election Day, the meeting shall be rescheduled to such other date as determined by the Board.

Adjourning Board Meetings

A regular meeting of the Board of Education may be adjourned in the absence of a quorum or due to incomplete business. A majority vote of those members present is required when a meeting is adjourned due to incomplete business. Within twenty-four hours of the adjournment, notice must be given to all Board members, the office of the Town Clerk, and clearly posted at the meeting site. Such notice shall include the site and time for the rescheduled adjourned meeting. If the hour for the rescheduled adjourned meeting is not stated, it shall be held at the hour specified for regular meetings.

Canceling Board Meetings

A regular meeting of the Board may be canceled by agreement of the majority of the entire Board and notice given to the Town Clerk at least 24 hours in advance of the scheduled meeting. Emergency cancellation of a regular or special Board meeting may be made by

9510 (continued)

the Board Chairperson and the Superintendent when such a condition exists. Board members will be notified as soon as possible and public notice given by local radio stations or cable channel.

Legal Reference: Connecticut General Statutes
10-218 Offices Meeting; 1-21 Meetings of Public Agencies

Date of Adoption: 2/7/72
1st Revision: 3/21/89
2nd Revision: 4/7/92
3rd Revision: 1/3/95
4th Revision: 12/15/98

#9520
Special Board Meetings

Special meetings of the Board of Education shall be called by the Chairperson when he / she deems it necessary or upon the written request of one-third (1/3) of the members of the Board. No business shall be transacted at any special meeting which does not come within the purpose set forth in the call for the meeting unless all members are present and agree to the consideration of the additional items.

Notice of the time and location of each special meeting shall be given to the Office of the Town Clerk not less than 24 hours prior to the time of such meeting. Notice of any special meeting shall be given to all Board members not less than 24 hours prior to the time of such meeting.

Emergency Special Meetings:

In the case of an emergency, a special meeting may be held without complying with the requirement set forth above regarding notification to the Office of the Town Clerk. However, a copy of the minutes of such emergency meeting which adequately sets forth the nature of the emergency and the proceedings which occurred at the meeting shall be filed with the Office of the Town Clerk not later than 72 hours following the meeting. No other business shall be considered at emergency meetings than that for which the meeting is called.

Legal Reference: Connecticut General Statutes
Sec. 1-21

Date of Adoption: 1/17/72
1st Revision: 6/19/90
2nd Revision: 1/3/95

#9540.1**Notification of Board Meetings**

The Board must file a schedule of all regular meetings with the town clerk no later than January 31 of each year, and no such meeting may be held less than 30 days after the schedule is filed. In order to ensure timely compliance, the Superintendent will present to the Board before December 1 a calendar of proposed regular meetings which, when approved, will be transmitted to the town clerk.

Notification of special meetings must be given by posting a notice of time, place, and purpose of the meeting in the town clerk's office at least 24 hours prior to the meeting.

Where practical, the Board must give notice by mail of each regular and special meeting to any person who has filed a written request for such notice. The Board may make a reasonable charge for this service.

State law requires that notices of special meetings be delivered to the home of each member of the Board, but this requirement may be waived by individual members as permitted by law.

Wherever possible the Board will announce in advance through the media the date, time, place, and agenda for all regular, special, and rescheduled meetings. The Secretary will supervise this notification.

Legal Reference: Connecticut State Statutes
 Sec. 1-21

Cross Reference: Bylaw #9540.2

Additional Reference: *Robert's Rules of Order, Rev.*, 75th Edition: Article XI, Sec. 65 Order of Business

Date of Adoption: 3/20/72
1st Revision: 6/19/90
2nd Revision: 1/3/95

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4 1. Search of a Student and the Student's Effects
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6 A. Fourth Amendment rights to be free from unreasonable searches and
7 seizures apply to searches conducted by public school officials. A student
8 and their effects may be searched if there are reasonable grounds for
9 suspecting that the search will turn up evidence that the student has
10 violated or is violating either the law or the rules of the school. The way
11 the search is conducted should be reasonably related to the objectives of
12 the search and not excessively intrusive in light of the protected
13 characteristics of the student - including but not limited to age and sex -
14 and the nature of the infraction.
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16 2. Search of a Locker, Desk and Other Storage Area
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18 A. Lockers, desks and other storage areas provided by the school system for
19 use by students are the property of the school system. Such storage areas
20 are provided for the temporary convenience of students only. The Board
21 of Education (the "Board") authorizes the administration and/or law
22 enforcement officials to search lockers and other school property available
23 for use by students for the presence of weapons, contraband or the fruits of
24 a crime if there are reasonable grounds at the inception of the search for
25 suspecting that the search will reveal evidence that the student has violated
26 or is violating either the law, Board policy or the rules of the school.
27 Moreover, the scope of the search shall be reasonably related to the
28 objectives of the search and shall not be excessively intrusive in light of
29 the protected characteristics of the student - including but not limited to
30 age and sex - and the nature of the infraction.
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32 B. If the school administration reasonably suspects that a student is not
33 maintaining a locker or other storage area assigned to them in a sanitary
34 condition, or that the storage area contains items the possession of which
35 is illegal or in violation of school regulations or that endangers the health,
36 safety or welfare of the student or others, the school administration has
37 the right to open and examine the storage area and to seize any such items
38 that are found.
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40 C. When required by law and otherwise at the option of the building
41 principal, items that have been seized shall be submitted to the police
42 department for proper disposition. Items not submitted to the police
43 department shall be disposed of as directed by the building principal.
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45 3. The decision to search shall be made by the principal or the principal's designee.
46 The search shall be made in the presence of at least one witness. Discovery of

47 illegal or dangerous materials shall be reported to the Office of the
48 Superintendent.
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- 50 4. Use of drug-detection dogs and metal detectors, similar detective devices; and/or
51 breathalyzers and other passive alcohol screening devices may be used only on the
52 express authorization of the Superintendent, in accordance with such procedures as
53 the Superintendent may devise.
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55 Legal References:

56 Conn. Gen. Stat. § 10-221, Board of education to prescribe rules, policies and
57 procedures
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59 Conn. Gen. Stat. § 54-33n, Search of school locker and property
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61 New Jersey v. T.L.O., 469 U.S. 325 (1985)
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66 First Reading: December 12, 2023
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#5090.8.1
Search and Seizure

Desks and School Lockers

Desks and school lockers are the property of the schools. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property, giving recognition to the Fourth Amendment rights of students.

The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk and seize contraband under the following conditions:

1. There is a reasonable belief that the student's desk or locker contains contraband material, or that the student has violated or is violating either the law or the rules of the school.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school. Contraband is defined as any object that is illegal or in violation of any Board policy.
3. The student has been informed in advance that school board policy allows desks and lockers to be inspected if the administration has a reasonable belief that materials injurious to the best interests of students and the school are contained therein.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation, school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Student Search

A student may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The scope of the search must be reasonably related to the objectives of the

#5090.8.1 (cont.)

search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

(c.f. 1350 Relations with Law Enforcement Agencies)
(c.f. 5090.8.1.2 Vehicle Searches on School Grounds)
(c.f. 5110.3.1 Police in Schools)
(c.f. 5142.4 School Resource Officer)

Legal Reference: Connecticut General Statutes
 10-221 - Boards of Education to prescribe rules.
 New Jersey v. T.L.O., 469 U.S. 325; 105 S.Ct.733
 PA 94-115 An Act Concerning School Searches
 Safford Unified School District #1 v. Redding (U.S. Sup. CT 08-479)

Date of Adoption: September 19, 1995
Date of Revision: March 18, 2014

**#5090.3.1
Student Dress**

In order to maintain an environment conducive to the educational process, the Madison Board of Education (the “Board”) prohibits the following from wear during the academic school day, deemed disruptive to the educational environment:

- a. Coats, jackets, or other attire normally worn as outerwear.
- b. Head coverings. Head coverings shall not be worn, carried, hung on belts or around the neck, or kept in the classroom during regular school hours. Approved coverings worn as part of a student's religious practice or belief, or as required or permitted in conjunction with school district health and safety protocols, shall not be prohibited under this policy. Nothing in this policy shall be construed to prohibit protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.
- c. Sunglasses unless required pursuant to a documented medical issue.
- d. Attire or accessories that may present a safety hazard to the student, other students, or staff.
- e. Attire or accessories that contain vulgarity or that contain overly offensive or disruptive writing or pictures.
- f. Attire or accessories depicting or suggesting violence so as to disrupt the educational environment or that provokes others to act violently or causes others to be intimidated by fear of violence or that constitute "fighting words," including but not limited to attire or accessories depicting the Confederate flag and/or the Nazi swastika.
- g. Attire or accessories that depict logo or emblems that encourage the use of drugs, tobacco products, or alcoholic beverages.
- h. Shirts and/or blouses that reveal the abdomen, ~~or~~ chest, or undergarments.

35 [i. See-through clothing.](#)

36 [j. Shorts, miniskirts, or pants that reveal undergarments.](#)

37 [k. Backpacks and/or book bags are permitted to be carried between classes, but shall not](#)
38 [obstruct safe passage in the classroom or in the corridors.](#)

39
40 Students who fail to comply with Board policy and regulations concerning student dress
41 will be subject to school discipline up to and including expulsion in accordance with the
42 Board's policy on student discipline.

43
44 [Legal Reference:](#)

45
46 [Connecticut General Statutes § 46a-51 \(definition of protective hairstyles\)](#)

47
48
49 Date of Adoption: October 6, 2020

[First Reading: December 12, 2023](#)

#5144.4

Physical Activity, Undirected Play and Student Discipline
Recess and Play-Based Learning

It is the policy of the Madison Board of Education (the “Board”) to promote the health and well-being of district students by encouraging healthy lifestyles and mental health wellness, including promoting physical exercise, ~~and~~ activity and play as part of the school day within the Madison Public Schools (“District”).

For the purposes of this policy, a “school employee” is defined as (1) 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 working in the district schools, or (2) any other individual who, in the performance of their duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district schools pursuant to a contract with the Board.

For purposes of this policy, “recess” means the time during the regular school day for each student enrolled in elementary school that is devoted to physical exercise of not less than twenty minutes in total pursuant to Conn. Gen. Stat. § 10-221o.

I. Deprivation of ~~Physical Exercise Period~~ Recess or Undirected Play Period as a Form of Discipline:

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, ~~to be devoted to physical exercise~~ for recess, except that a planning and placement team (“PPT”) may develop a different schedule for students requiring special education and related services.

The administration may include additional time, beyond the twenty minutes required for ~~physical exercise~~ recess, devoted to undirected play during the regular school day for elementary school students.

In an effort to promote physical exercise and undirected play, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the full 20 minutes of ~~time devoted to physical exercise~~recess or additional time devoted to undirected play during the regular school day, except in accordance with this policy or as determined by a student's Section 504 team or PPT.

A. *Physical ~~Exercise~~ Recess Period*

School employees may prevent or otherwise restrict a student from participating in the entire time devoted to ~~physical exercise in the regular school day~~recess as a form of discipline only under the following circumstances:

- 1) When a student poses a danger to the health or safety of other students or school personnel; or
- 2) If there are two or more periods devoted to ~~physical exercise~~recess in a school day, then when the prevention or restriction of ~~physical exercise~~recess is limited to the period ~~devoted to physical exercise~~of recess that is the shortest in duration, provided that the student still participates in at least twenty minutes of ~~physical exercise~~recess in a school day.

School employees may prevent or restrict a student from participating in the entire ~~time devoted~~time ~~devoted to physical exercise in the regular school day~~recess as a form of discipline, in accordance with this policy, only one time during a school week, unless the student is a danger to the health or safety of other students or school personnel.

School employees may not prevent or restrict a student from participating in the entire time devoted to ~~physical exercise in the regular school day~~recess if such prevention or restriction is related to the student's failure to complete school work on time or to the student's academic performance.

This policy distinguishes between a) discipline that is imposed before ~~the time devoted to physical exercise~~recess begins and b) discipline imposed during ~~such time devoted to physical exercise~~recess or methods used to redirect a student's behavior during ~~such time~~recess. School

personnel may impose discipline during ~~time devoted to physical exercise~~ recess as a result of student's behavior during ~~such time~~ recess, if such discipline is in accordance with Board policies and procedures. School personnel may also use methods to redirect a student's behavior, in the event such behavior warrants redirection, during ~~the time devoted to physical exercise~~ recess. For clarity, the prohibition against preventing or restricting a student's participation in the time devoted to ~~physical exercise~~ recess shall apply to student conduct that occurs prior to the ~~physical exercise~~ recess time, rather than during the ~~physical exercise~~ recess time.

B. *Undirected Play Period*

School employees may not discipline elementary school students by preventing them from participating in the full time devoted to undirected play, if any, during the regular schoolday, except when a student poses a danger to the health or safety of other students or school personnel, or as determined by a student's Section 504 team or PPT.

II. Play-Based Learning Requirements for Pre-Kindergarten to Grade Five

Effective July 1, 2024, the Board directs the District administration to 1) provide for play-based learning during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board; and 2) permit a teacher to utilize play-based learning during the instructional time of the regular school day for all students in grades one to five, inclusive.

A. Definitions for Section II

- 1) "Free play" means unstructured, voluntary, child-initiated activities that are performed by a child for self-amusement and have behavioral, social and psychomotor rewards, except free play may be structured to promote activities that are child-directed, joyful and spontaneous.
- 2) "Guided play" means learning experiences that combine the child-directed nature of free play with a focus on learning outcomes and adult guidance.
- 3) "Play-based learning" means a pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. Play-based learning does not mean time spent in recess or as part of a physical education course or instruction.
- 4) "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a

laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

5) “Instructional time” means the time of actual school work during a regular school day.

B. Play-Based Learning Requirements for Pre-Kindergarten and Kindergarten

Play-based learning shall be provided during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board. Such play-based learning shall:

1) be incorporated and integrated into daily practice;

2) allow for the needs of such students to be met through free play, guided play and games; and

3) be predominantly free from the use of mobile electronic devices.

C. Play-Based Learning Requirements for Grades One to Five, Inclusive

The Board permits teachers to utilize play-based learning during the instructional time of a regular school day for all students in grades one to five, inclusive. Such play-based learning:

1) may be incorporated and integrated into daily practice;

2) shall allow for the needs of such students to be met through free play, guided play and games; and

3) shall be predominantly free from the use of mobile electronic devices.

D. Play-Based Learning for Students with IEPs or Section 504 Plans

Any play-based learning utilized shall comply with a student’s individualized education program (“IEP”) or Section 504 plan.

E. Deprivation of Play-Based Learning as a Form of Discipline

School employees may not discipline elementary school students by preventing them from participating in the full time devoted to play-based learning, if any, during the regular school day, except when a student poses a danger to the health or safety of other students or school personnel, or as determined by a student’s Section 504 team or PPT.

IIII. Prohibition on Compulsion of Physical Activity as a Form of Discipline:

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

III.IV. Disciplinary Action for Failure to Follow Policy:

Any employee who fails to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of students enrolled in the district and who fails to comply with the requirements of this policy may be subject to having the individual's contract for services suspended by the district.

Legal References:

Connecticut General Statutes:

§ 10-221o Lunch periods. Recess. Boards to adopt policies addressing the limitations of physical exercise

§ 10-221u Boards to adopt policies addressing the use of physical activity as discipline

~~Public Act No. 22-81 "An Act Expanding Preschool and Mental and Behavioral Services for Children"~~

Public Act No. 23-159, "An Act Concerning Teachers and Paraeducators"

Public Act No. 23-101, "An Act Concerning the Mental, Physical and Emotional Wellness of Children"

Date of Adoption: March 7, 2023

First Reading: December 12, 2023

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.

I. Definitions

A. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.

B. **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.

C. **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.

D. **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.

E. **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.

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

G. **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 ~~pupil~~-student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

H. **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.

G-I. **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, 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.

H.J. In-School Suspension means an exclusion from regular classroom activity for no more than ten (10) 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.

K. Martial Arts Weapon means a nunchaku, kama, kasari fundo, octagon sai, tonfa or Chinese star.

L.L. 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.

J.M. School Days shall mean days when school is in session for students.

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

L.O. 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.

M.P. 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.

N.Q. **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.

R. 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.

O.S. 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 conduct is seriously disruptive of the educational process, the Administration and the Board of Education 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 of Education may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

D. ~~On and after January 1, 2022, Aa~~ 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, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of Protected Class Harassment or reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment, or who participate in the investigation of such reports.
7. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke)
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery 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 15, 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 15, 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 15, 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 15, 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.
16. 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.

17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) 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.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, ~~staff member~~employees, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other ~~staff member~~employees and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by ~~school~~school employees responsible for student supervision ~~staff~~.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the principal or designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as an act that is direct or indirect and severe, persistent or pervasive, which:
- a. causes physical or emotional harm to an individual;
 - b. places an individual in reasonable fear of physical or emotional harm; or
 - d. infringes on the rights or opportunities of an individual at school.
- Bullying shall include, but need not limited be to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived

differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for ~~staff member~~employees, students, third parties on school property or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or district health and safety protocols developed in connection with the COVID-19 pandemic, such as, but not limited to, physical distancing and mask-wearing requirements.

35. 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).

36. 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.

37. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

38. 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 ~~staff member~~employee.

- 285 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual
286 abuse, including stalking, harassing and threatening, which occurs between two
287 students who are currently in or who have recently been in a dating relationship.
- 288 40. Any action prohibited by any Federal or State law.
- 289 41. Any other violation of school rules or regulations or a series of violations which
290 makes the presence of the student in school seriously disruptive of the educational
291 process and/or a danger to persons or property.

292 **IV. Discretionary and Mandatory Expulsions**

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

VI. Procedures Governing Suspension

A. The ~~principal of a school, or~~responsible administrator or administrator's designee ~~on the administrative staff of the school,~~ shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. 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 ~~principal or~~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. If suspended, such suspension shall be an in-school suspension, except the ~~principal or~~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 ~~principal or~~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 ~~principal or responsible administrator or administrator's~~ designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

b. in grades preschool to two, inclusive, if the ~~principal or responsible administrator or administrator's~~ designee determines that an out-of-school suspension is appropriate for such ~~pupil-student~~ based on evidence that such ~~pupil's-student's~~ conduct on school grounds or on school transportation is of a violent or sexual nature that endangers persons.

3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the ~~principal or responsible administrator or the administrator's~~ designee, but only considered in the determination of the length of suspensions.

4. By telephone, the ~~principal or responsible administrator or the administrator's~~ designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

5. Whether or not telephone contact is made with the parent or guardian of such minor student, the ~~principal or responsible administrator or administrator's~~ designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the ~~principal or responsible administrator or administrator's~~ designee), offering the parent or guardian an opportunity for a conference to discuss same.

6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.

- 398 7. Not later than twenty-four (24) hours after the commencement of the suspension,
399 the ~~principal or responsible administrator or administrator's~~ designee shall also
400 notify the Superintendent or designee of the name of the student being suspended
401 and the reason for the suspension.
- 402 8. The student shall be allowed to complete any classwork, including examinations,
403 without penalty, which the student missed while under suspension.
- 404 9. The school Administration may, in its discretion, shorten or waive the suspension
405 period for a student who has not previously been suspended or expelled, if the
406 student completes an Administration-specified program and meets any other
407 conditions required by the Administration. Such Administration-specified program
408 shall not require the student and/or the student's parents to pay for participation in
409 the program.
- 410 10. Notice of the suspension shall be recorded in the student's cumulative educational
411 record. Such notice shall be expunged from the cumulative educational record if
412 the student graduates from high school. In cases where the student's period of
413 suspension is shortened or waived in accordance with Section VI.A(9), above, the
414 Administration may choose to expunge the suspension notice from the cumulative
415 record at the time the student completes the Administration-specified program and
416 meets any other conditions required by the Administration.
- 417 11. If the student has not previously been suspended or expelled, and the
418 Administration chooses to expunge the suspension notice from the student's
419 cumulative record prior to graduation, the Administration may refer to the existence
420 of the expunged disciplinary notice, notwithstanding the fact that such notice may
421 have been expunged from the student's cumulative file, for the limited purpose of
422 determining whether any subsequent suspensions or expulsions by the student
423 would constitute the student's first such offense.
- 424 12. The decision of the ~~principal or responsible administrator or administrator's~~
425 designee with regard to disciplinary actions up to and including suspensions shall
426 be final.

13. 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 ~~principal or 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 ~~principal or 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.

VII. Procedures Governing In-School Suspension

- A. The ~~principal or 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 ~~principal or responsible administrator or~~ administrator's designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the ~~building principal or 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.

VIII. 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.

1. 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:

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

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

485 b.c. A short, plain description of the conduct alleged by the Administration.

486 e.d. The student may present as evidence relevant testimony and documents
487 concerning the conduct alleged and the appropriate length and conditions of
488 expulsion; and that the expulsion hearing may be the student's sole opportunity
489 to present such evidence.

490 d.e. The student may cross-examine witnesses called by the Administration.

491 f. The student may be represented by an attorney or other advocate of student's
492 choice at the student's expense or at the expense of student's parent(s) or
493 guardian(s).

494 g. A student is entitled to the services of a translator or interpreter, to be provided
495 by the Board of Education, whenever the student or student's parent(s) or
496 guardian(s) requires the services of an interpreter because student(s) do(es) not
497 speak the English language or is(are) disabled.

498 h. The conditions under which the Board is not legally required to give the student
499 an alternative educational opportunity (if applicable).

500 i. Information concerning the parent's(s') or guardian's(s') and the student's legal
501 rights and about free or reduced-rate legal services and how to access such
502 services.

503 j. The parent(s) or guardian(s) of the student have the right to have the expulsion
504 hearing postponed for up to one week to allow time to obtain representation,
505 except that if an emergency exists, such hearing shall be held as soon after the
506 expulsion as possible.

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 ~~counsel~~others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the Administration 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 Administration 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, ~~or~~ 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 Administration 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).

537 8. The student shall not be compelled to testify at the hearing.

538 ~~8.~~9. After the Administration has presented its case, the student will be asked if they
539 have any witnesses or evidence to present concerning the charges. If so, the
540 witnesses will be sworn, will testify, and will be subject to cross examination and
541 to questioning by the Presiding Officer and/or by the Board (or the impartial board).
542 The student may also choose to make a statement at this time. If the student chooses
543 to make a statement, they will be sworn and subject to cross examination and
544 questioning by the Presiding Officer and/or by the Board (or the impartial board).
545 Concluding statements will be made by the Administration and then by the student
546 and/or the student's representative.

547 ~~9.~~10. In cases where the student has denied the allegation, the Board (or the
548 impartial board) must determine whether the student committed the offense(s) as
549 charged by the Superintendent or Superintendent's designee.

550 ~~10.~~11. If the Board (or the impartial board) determines that the student has
551 committed the conduct as alleged, then the Board (or the impartial board) shall
552 proceed with the second portion of the hearing, during which the Board (or the
553 impartial board) will receive and consider relevant evidence regarding the length
554 and conditions of expulsion.

555 ~~11.~~12. When considering the length and conditions of expulsion, the Board (or the
556 impartial board) may review the student's attendance, academic and past
557 disciplinary records. The Board (or the impartial board) may not review notices of
558 prior expulsions or suspensions which have been expunged from the student's
559 cumulative record, except as provided in Section VI.A (9), (10), (11), above, and
560 Section X, below. The Board (or the impartial board) may ask the Superintendent
561 or Superintendent's designee for a recommendation as to the discipline to be
562 imposed.

563 ~~12.~~13. Evidence of past disciplinary problems that have led to removal from a
564 classroom, suspension or expulsion of a student being considered for expulsion may
565 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. 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 not 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.

~~13.~~15. 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.

~~14.~~16. 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.

~~15.~~17. 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.

596 **18.** The hearing may be conducted virtually, via video conference, at the direction of
597 the Board (or the impartial board), in the event school buildings are closed to
598 students or individuals are provided limited access to school buildings ~~as a result~~
599 ~~of the COVID-19 pandemic~~ due to a serious health or other emergency. Any virtual
600 hearing must provide the student the due process rights identified in this Subsection
601 D.

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

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

611 F. Stipulated Agreements:

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

624 If the parties agree on the facts, but not on the disciplinary recommendation, the
625 Administration 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.

IX. 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 ~~of Education~~(or the impartial board). Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil-student who is at least seventeen years of age in an adult education program. Any pupil-student participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to participation in the adult education program.
2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.
3. The Board of Education shall count the expulsion of a pupil-student when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil-student when the student is between the ages of sixteen and eighteen.

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

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

D. Content of Alternative Educational Opportunity

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

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

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

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

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

The Board of Education may offer an alternative educational opportunity to a ~~pupil~~ student for whom 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.

X. 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 Board 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(14), 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.

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.

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.

XI. Change of Residence During Expulsion Proceedings**A. Student moving into the ~~school~~District:**

1. If a student enrolls in the ~~D~~istrict 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.

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.

B. Student moving out of the ~~school~~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.

XII. 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 the Administration 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 ~~school-district~~District that applies to all students, the following procedures shall apply:

1. The Administration 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 ~~school-district~~District is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the ~~school-district~~District.

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 ~~school~~D~~istrict~~ 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 ~~school-D~~istrict 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 ~~building~~ 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. ~~School personnel~~ 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.

XIII. 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 ~~school-D~~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 ~~D~~istrict 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.

XIV. 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 ~~a~~ 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.

XV. 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.

XVI. Dissemination of Policy

The ~~Board of Education~~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.

XVII. Compliance with Documentation and Reporting Requirements

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

B. The ~~Board of Education~~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 ~~Board~~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 ~~Board~~District shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

§ 10-16	Length of school year
§ 10-74j	Alternative education
§§ 4-176e through 4-180a and § 4-181a	Uniform Administrative Procedures Act
§ 10-222d	Safe school climate plans. Definitions. Safe school climate assessments
§§ 10-233a through 10-233f	Suspension and expulsion of students
§ 10-233l	Expulsion and suspension of children in preschool programs
§ 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

- § 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 No. 21-46, “An Act Concerning Social Equity and the Health, Safety and Education of Children.”
- 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.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
- 18 U.S.C. § 921 (definition of “firearm”)
- 18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)
- 18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)
- 21 U.S.C. § 812(c) (identifying “controlled substances”)
- 34 C.F.R. § 300.530 (defining “illegal drugs”)
- Gun-Free Schools Act, 20 U.S.C. § 7961
- Honig v. Doe*, 484 U.S. 305 (1988)

Date of Adoption: October 6, 2020

Date of Revision: January 4, 2022

First Reading: November 28, 2023

Second Reading: December 12, 2023

#5040

Admission to the Public Schools at or Before Age Five

The Madison Board of Education (the “Board”) complies with its legal obligation to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the Board’s jurisdiction to attend school in accordance with Connecticut General Statutes § 10-184.

Effective July 1, 2024, the Madison Public Schools (the “District”) shall be open to resident children five years of age and over who reach age five on or before the first day of September of any school year. For children who will not reach the age of five on or before the first day of September of the school year, the child’s parent or guardian may submit a written request to the principal of the school seeking early admission to the District. Upon receipt of such written request, the principal and an appropriate certified staff member shall assess such child to determine whether admitting the child is developmentally appropriate. For decisions relating to early admission to the District, the decision of the principal and appropriate certified staff shall be final.

The Superintendent or Superintendent’s designee shall be responsible for developing administrative regulations in furtherance of this policy. Such regulations shall identify procedures for the receipt and processing of requests for early admission to the District and for assessing whether early admission of a child is developmentally appropriate.

Legal Reference:**Connecticut General Statutes**

10-15c	Discrimination by public schools prohibited. School attendance for five-year-olds
10-220	Duties of boards of education
10-221	Board of education to prescribe rules, policies, and procedures
10-184	Duties of parents. School attendance age requirements

Public Act 23-208, “An Act Making Certain Revisions to the Education Statutes.”

First Reading: November 28, 2023
Second Reading: December 12, 2023

#9540.2

Construction and Posting of Agenda
(formerly Agenda)

I. Construction of Agenda

A. The Superintendent in cooperation with the Chairperson of the Board of Education (the "Board") shall prepare an agenda for each meeting of the Madison Board.

B. In addition to those items listed by the Chairperson of the Board, any member of the Board may contact the Chairperson or the Superintendent and request that an item be placed on the agenda

C. If at least three Board members request in writing that an additional agenda item be placed on the Board's agenda, it will either be placed on the agenda or a special meeting of the Board will be scheduled within fourteen (14) days of the written request.

D. Town residents and/or taxpayers may request that the Board place an item on the agenda of a regular meeting. To do so they must:

1) Make their request in writing to the Secretary of the Board, with a copy of the request to the Superintendent of Schools.

2) The Secretary of the Board will present the written request to the Executive Committee at its next meeting.

3) The Executive Committee will consider whether the requested item will be placed on a future meeting agenda.

II. Posting of Agenda

A. At least twenty-four (24) hours prior to the time of the regular or special meeting, an agenda will be constructed and posted by the Superintendent of Schools for the Board.

B. An agenda will be posted at Town Hall, the Board's Administrative Offices, and on the Board's Internet web site. Any associated documents that may be reviewed by members of the Board at such meeting shall be posted on the Board's Internet web site, provided such documents are not exempt from disclosure under the Freedom of Information Act.

C. The Board may add items to the agenda of any regular meeting by a two-thirds vote of those Board Members present and voting.

46 D. If, in accordance with applicable law, the Board holds a public meeting that is
47 accessible to the public by means of electronic equipment or by means of electronic
48 equipment in conjunction with an in-person meeting, the agenda shall include
49 instructions for the public to attend and provide comment or otherwise participate
50 in the meeting by means of electronic equipment or in person, as applicable and
51 permitted by law. Any such agenda shall be posted in accordance with the
52 provisions of Connecticut General Statutes Section 1-225.
53

54 Legal Reference:

55
56 Connecticut General Statutes

57
58 Public Act 22-3, “An Act Concerning Remote Meetings Under the
59 Freedom of Information Act.”
60

61 1-225 Meetings of government agencies to be public. Recording
62 of votes. Schedule and agenda of certain meetings to be
63 filed and posted on web sites. Notice of special meetings.
64 Executive sessions
65

66 10-218 Officers. Meetings
67

68 Public Act 23-160, “An Act Concerning Education Mandate Relief
69 and Other Technical and Assorted Revisions and Additions to the
70 Education and Early Childhood Education Statutes.”
71

72 10-220 Duties of boards of education.
73
74
75

76 Date of Adoption: August 22, 2023
77

78 First Reading: November 28, 2023

79 Second Reading: December 12, 2023

Confidentiality and Access to Education Records

I. POLICY

The Board of Education (“Board”) complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to 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 his or her 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. If the district maintains a law enforcement unit, the district should include this definition within the policy.~~

~~Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.~~

K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

L. 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 is entitled to access to the student's education records without the eligible student's consent.

M. 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.

- N. 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.
- O. 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, 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 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 (his/her) 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 his or her right to access to 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 child'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. *~~Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education~~*

~~students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records].~~

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.

~~[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the district elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:~~

~~3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]~~

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.

b) A contractor, consultant, volunteer, or other party to whom the district has outsourced institutional services or functions, provided that the party:

1) performs an institutional service or function for which the district would otherwise use employees;

2) is under the direct control of the district with respect to the use and maintenance of education records; and

3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

c) The Board shall comply with the below Section I of this Article VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Section I.

3. Transfer Students:

a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the

record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Article X.

b) When a student enrolls in a new public school district (including a public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.

c) Upon notification by the Department of Children and Families ("DCF") of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with Section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the 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.

4. 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.

5. 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.

6. 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.

7. 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).
8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
9. 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.
10. 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).

11. 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.

12. 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.

13. 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.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. 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.

16. 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:

- 595
- 596 a) the data collected will be protected to prevent the personal
- 597 identification of students and their parents by other than the
- 598 authorized representatives of the Secretary of Agriculture, and
- 599
- 600 b) any personally identifiable data will be destroyed when they are no
- 601 longer needed for program monitoring, evaluations, and
- 602 performance measurements.
- 603

- 604 17. The disclosure is to an agency caseworker or other representative of the
- 605 DCF or other child welfare agency or tribal organization who has the right
- 606 to access a student's case plan when the agency or organization is legally
- 607 responsible for the care and protection of the student. The agency or
- 608 organization may not disclose the education records or personally
- 609 identifiable information contained in such records, except to an individual
- 610 or entity engaged in addressing the student's educational needs and
- 611 authorized by the agency or organization to receive such disclosure. Any
- 612 disclosures made by the agency or organization must comply with
- 613 applicable confidentiality laws for student education records.
- 614

615 **D. Directory Information**

616

617 The school district will notify parents (of students currently enrolled within the

618 district) or eligible students (currently enrolled in the district) annually of any

619 categories of information designated as directory information. This notice will

620 provide such individuals with an opportunity to object to such disclosure. An

621 objection to the disclosure of directory information shall be good for only one

622 school year.

623

- 624 1. School districts are legally obligated to provide military recruiters or
- 625 institutions of higher education, upon request, with the names, addresses
- 626 and telephone numbers of secondary school students, unless the secondary
- 627 student or the parent of the student objects to such disclosure in writing.
- 628 Such objection must be in writing and shall be effective for one school
- 629 year.
- 630
- 631 2. In all other circumstances, information designated as directory information
- 632 will not be released when requested by a third party unless the release of
- 633 such information is determined by the administration to be in the
- 634 educational interest of the school district and is consistent with the
- 635 district's obligations under both state and federal law.
- 636
- 637 3. The school district may disclose directory information about students after
- 638 they are no longer in enrollment in the school district. Notwithstanding the
- 639 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.

- 730 2. The district shall maintain and update an Internet web site with information
731 relating to all contracts entered into pursuant to Subsection I, above. On or
732 before September 1st of each school year, the Board shall electronically notify
733 students and the parents or legal guardians of students of the address of such
734 Internet website. Not later than five (5) business days after executing a
735 contract pursuant to this subsection, the Board shall post notice of such
736 contract on the Board's website. The notice shall:
- 737
- 738 a. State that the contract has been executed and the date that such contract
739 was executed;
- 740
- 741 b. Provide a brief description of the contract and the purpose of the
742 contract; and
- 743
- 744 c. State what student information, student records or student-generated
745 content may be collected as a result of the contract.
- 746
- 747 3. For purposes of this subsection, upon receipt of notice of a breach of security
748 that results in the unauthorized release, disclosure or acquisition of directory
749 information, student information, student records or student-generated content,
750 the Board shall electronically notify, not later than two business days after
751 receipt of such notice, the student and the parents or guardians of the student
752 whose information is involved in such breach. The Board shall thereafter post
753 notice of such breach on the Board's Internet web site. The Internet posting
754 shall comply with the requirements of FERPA. All questions and concerns
755 relative to breach of security shall be referred to ~~*Insert Name and Contact*~~
756 ~~*Information*~~ *the Superintendent of Schools.*
- 757
- 758 4. For purposes of this subsection, the following definitions are applicable:
- 759
- 760 a. Consultant means a professional who provides noninstructional
761 services, including but not limited to, administrative, planning,
762 analysis, statistical or research services, to the Board pursuant to a
763 contract with the Board.
- 764
- 765 b. Operator means any person who (a) operates an Internet web site,
766 online service or mobile application with actual knowledge that such
767 Internet web site, online service or mobile application is used for
768 school purposes and was designed and marketed for school purposes, to
769 the extent it is engaged in the operation of such Internet web site,
770 online service or mobile application, and (b) collects, maintains or uses
771 student information.
- 772
- 773 c. School Purposes means purposes that customarily take place at the
774 direction of a teacher or the Board, or aid in the administration of
775 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;
- 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
- 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

- 1) Improve educational products for adaptive learning purposes and customize student learning;

822 2) Demonstrate the effectiveness of the contractor's products in
823 the marketing of such products; and
824

825 3) Develop and improve the consultant's or operator's products
826 and services.
827

828 5. Notwithstanding anything in this Subsection to the contrary, the Board may
829 use an operator's or consultant's services without entering into a contract as
830 described above, if the use of an Internet web site, online service or mobile
831 application operated by a consultant or an operator is unique and necessary to
832 implement a child's individualized education program or plan pursuant to
833 Section 504 of the Rehabilitation Act of 1973 and such Internet website, online
834 service or mobile application is unable to comply with the provisions of Conn.
835 Gen. Stat. § 10-234bb, provided:
836

837 a. Such Internet web site, online service or mobile application complies
838 with FERPA and the Health Insurance Portability and Accountability
839 Act of 1996, P.L. 104-191, as amended from time to time;
840

841 b. The Board can provide evidence that it has made a reasonable effort to:
842

843 1) enter into a contract with such consultant or operator to use such
844 Internet web site, online service or mobile application, in
845 accordance with the provisions of Conn. Gen. Stat. § 10-234bb;
846 and
847

848 2) find an equivalent Internet web site, online service or mobile
849 application operated by a consultant or an operator that
850 complies with the provisions of Conn. Gen. Stat. § 10-234bb;
851

852 c. The consultant or operator complies with the provisions of Conn. Gen.
853 Stat. § 10-234cc for such use; and
854

855 d. The parent or legal guardian of such child, and, in the case of a child
856 with an individualized education program, a member of the planning
857 and placement team, signs an agreement that:
858

859 1) acknowledges such parent or legal guardian is aware that such
860 Internet web site, online service or mobile application is unable
861 to comply with the provisions of Conn. Gen. Stat. § 10-234bb;
862 and
863

864 2) authorizes the use of such Internet web site, online service or
865 mobile application.
866

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

VIII. REDISCLOSURE OF EDUCATION RECORDS

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

958 student as long as the record or contested portion is maintained by
959 the school system.

- 960
961 b. If the contested portion of the education record is disclosed by the
962 school system, the statement of disagreement by the parents and/or
963 eligible student shall also be disclosed.
964

965 B. Procedures

- 966
967 1. The hearing shall be held within a reasonable time after the school system has
968 received the request, unless the parent or eligible student requests a delay.
969
970 2. The parent or eligible student shall be given notice of the date, place, and time
971 of the hearing, within a reasonable time in advance of the hearing.
972
973 3. The hearing will be conducted by a person or persons appointed by the
974 Superintendent of Schools. This person(s) shall be knowledgeable of the
975 policies relating to confidentiality and shall not have a direct interest in the
976 outcome of the hearing.
977
978 4. The parent or eligible student and the school system shall have the right to be
979 represented by person(s) of their choosing at their own expense, to cross-
980 examine witnesses, to present evidence, and to receive a written decision of the
981 hearing.
982
983 5. The decision reached through the hearing shall be made in writing within a
984 reasonable period of time after the hearing. The decision will be based solely
985 upon the evidence presented at the hearing and shall include a summary of the
986 evidence and the reasons for the decision.
987

988 **XI. WAIVER OF RIGHTS**

- 989
990 A. A student who is an applicant for admission to an institution of post-secondary
991 education, or is in attendance at an institution of post-secondary education, may
992 waive his or her right to inspect and review confidential letters and confidential
993 statements of recommendations with the following limitations:
994

- 995 1. The student is notified, upon request, of the names of all individuals providing
996 the letters or statements.
997
998 2. The letters or statements are used only for the purpose for which they were
999 originally intended.
1000
1001 3. The waiver is not required by the district as a condition of admission to or
1002 receipt of any other service or benefit from the district.
1003

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

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
 - a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
 - b) any person who secures a release of confidential HIV-related information;
 - c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
 - d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record

and a health care provider has access to such record for the purpose of providing medical care to the protected individual;

e) a medical examiner to assist in determining cause of death; or

f) any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual, who is also a student, from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.
2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the 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

1187	Conn. Gen. Stat. § 10-234cc
1188	Conn. Gen. Stat. § 10-234dd
1189	Conn. Gen. Stat. § 10-234ff
1190	Conn. Gen. Stat. § 10-234gg
1191	Conn. Gen. Stat. § 10-220d
1192	Conn. Gen. Stat. § 10-253
1193	Conn. Gen. Stat. § 17-16a
1194	Conn. Gen. Stat. § 17a-28
1195	Conn. Gen. Stat. § 17a-101k
1196	Conn. Gen. Stat. § 19a-581 <i>et seq.</i>
1197	Conn. Gen. Stat. § 46b-134
1198	
1199	Regs. Conn. State Agencies § 10-76d-18
1200	
1201	State Department of Education, Guidance on Civil Rights Protections and
1202	Supports for Transgender Students, June 2017
1203	
1204	State Department of Education, Guidance on Civil Rights Protections and
1205	Supports for Transgender Students: Frequently Asked Questions, June 2017
1206	
1207	State Department of Education memorandum dated December 21, 2010, on
1208	school choice recruitment
1209	
1210	Office of the Public Records Administrator, Retention Schedule M8-Education
1211	Records, Revised 2/2005, available at http://ctstatelibrary.org/wp-
1212	content/uploads/2015/07/M8.pdf
1213	
1214	
1215	Federal Law:
1216	Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
1217	
1218	USA Patriot Act of 2001, Pub. L. No. 107-56
1219	
1220	Every Student Succeeds Act, Pub. L. No. 114-95
1221	
1222	Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296
1223	
1224	The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 <i>et</i>
1225	<i>seq.</i> , as amended by Every Student Succeeds Act, Pub. L. No. 114-95.
1226	
1227	34 C.F.R. §§ 99.1 - 99.67
1228	34 C.F.R. § 106.45
1229	34 C.F.R. §§ 300.560 - 300.576
1230	Balancing Student Privacy and School Safety: A Guide to the Family Educational
1231	Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department

1232 of Education (October 2007), available at
1233 <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.
1234

1235
1236 First Reading: November 28, 2023
Second Reading: December 12, 2023

#5180.1**Records / Confidentiality**

Educational records will be kept for each student reflecting the physical, social, and cognitive aspects of a student's development in the educational process. However, safeguards shall be practiced by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance, and dissemination of information in student records, and to provide accessibility to information by those legally entitled thereto.

Definition of Terms

- *Parent* means a natural parent, an adopted, or a legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, the parent granted custody and the parent not granted custody of a minor student both have the right of access to the academic, medical, hospital, or other health records of the student, unless a court order prohibits access. Whenever a student has attained the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the student shall thereafter only be required of, and accorded to, the student.
- *Student record* means any item of information directly related to an identifiable student, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his / her duties whether recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or other means. Student records include information relative to an individual student gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of second party review is considered a student record.

#5180.1 (continued)

- *Student record* shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this policy, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.
- *School official* means 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.

The Superintendent shall be responsible for ensuring that all requirements under federal and state statutes shall be carried out by the District. He / She will develop procedures providing for the following:

- informing parents of their rights annually;
- permitting parents to inspect and review educational records, including at least a statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the educational records, with an understanding that it may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records;
- not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school

#5180.1 (continued)

- considers to be a "legitimate educational interest;" and a specification of the personally identifiable information to be designated as directory information;
- maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record;
 - providing a parent with an opportunity to seek the correction of the student's education records through a request to amend the records or a hearing, and permitting the parent or an eligible student to place a statement in the education records of the student;
 - guaranteeing access to student records to authorized persons within five days following the date of the request;
 - assuring security of student records; and
 - enumerating and describing the student records maintained by the district.

(cf. 5180.1.1 Directory Information)

Legal Reference: Connecticut General Statutes
 10-15b Access of parent or guardians to student's records. Inspection and subpoena of school or student records.
 10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.
 10-209 Records not to be public.
 Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.
 Regulations of the U.S. Dept. of Health, Education and Welfare, published in 45 C.F.R. 99 (June 17, 1976).

Date of Adoption: March 5, 1996
Date of Revision: May 7, 2002
Date of Revision: February 8, 2006

#5180.1.1
Directory Information

Directory information or class lists of student names and / or addresses shall not be distributed without the knowledge of the parent or legal guardian of the student or by the student who has attained majority status.

“Directory information” means one or more of the following items: student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the students.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. 5180.1: Records / Confidentiality)

Legal Reference: Connecticut General Statutes

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

10-221b Boards of education to establish written uniform policy re treatment of recruiters

Date of Adoption: February 6, 2001

#5180.1.2**Relations with Noncustodial Parents**

The Board of Education, unless informed otherwise in writing, assumes that there are no restrictions regarding the noncustodial parent's right to be kept informed of the student's school progress and activities. If restrictions are made relative to these rights, the custodial parent will be required to submit a copy of the court order to the superintendent, which curtails these specific rights.

Unless there are specific court-imposed restrictions, such as a final divorce decree which includes specific denial of visitation rights or a restraining order denying such rights, the noncustodial parent, upon written request and in accordance with Board of Education records policies 5124 and 5125 (a-c) may view the student's educational, medical or similar records maintained in such student's cumulative record, receive school progress reports, visit the child briefly at school and have an opportunity to confer with the student's teacher(s).

In addition, upon written request to the child's school principal, the school will subsequently and routinely mail to the parent making the request copies of all school information which is normally sent home with the child. This will include mailings of copies of report cards and class and school newsletters during the school year in which the request is made. Noncustodial parents and parents with shared custody not normally receiving materials from the school may annually request this service.

The custodial parent has the responsibility to keep the school office informed as to the address of residence, in a manner determined by the school, and how he / she may be contacted at all times. Any legal documents which restrict the rights of the noncustodial parent must be provided by the custodial parent. Unless otherwise indicated by a verified note from the parent or by a legal document provided by a parent, only the custodial parent has the right to remove the student from school property. If school personnel

#5180.1.2 (continued)

anticipate possible student abduction, law enforcement personnel are to be notified immediately.

(cf. 5060.1.2 Nonresidents)

(cf. 5080 Student Absences)

(cf. 5080.3 Request for Late Arrival, Early Dismissal, or Release of Student for Part of the School Day)

(cf. 5090.1.2 Age of Majority / Emancipated Minors)

(cf. 5120 Student Welfare / Safety)

(cf. 5120.9.2 Student Dismissal Precautions)

(cf. 5180.1 Records / Confidentiality)

(cf. 5180.1.1 Directory Information)

Date of Adoption: March 19, 2002

#5125.1 – Health / Medical Records

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

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

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

(cf. [3150](#) - Medical Reimbursement for Special Education Students)
(cf. [5180.1](#) - Student Records; Confidentiality)

#5125.1 (cont'd.)

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[10-15b](#) Access of parent or guardians to student's records.

[10-154a](#) Professional communications between teacher or nurse & student.

[10-209](#) Records not to be public

[46b-56 \(e\)](#) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

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

Dept. of Educ. [34 C.F.R. Part 99](#) (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

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

PL 107-110 "No Child Left Behind Act of 2001" Sections 5208 and

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

65 Fed. Reg. 50312-50372

65 Fed. Reg. 92462-82829

63 Fed. Reg. 43242-43280

67 Fed. Reg. 53182-53273

Policy adopted: August 28, 2018

**#9450
Committees**

1. The Madison Board of Education (the “Board”) shall act as a committee of the whole on all matters coming before it except that special/advisory committees for the consideration or investigation of certain problems, or for the performance of certain Board functions, may be created by vote of the Board.
 - A. Such special/advisory committees shall submit their reports at such regular meetings of the Board as may be determined, and when such reports have been submitted and accepted by the Board, shall be discharged.
 - B. All special/advisory committee reports affecting Board policy shall be submitted in writing.
 - C. A special/advisory committee’s only authority is to make recommendations to the Board regarding matters that that have been referred to it, unless the Board specifically authorizes otherwise, and such action conforms to the Connecticut General Statutes.
2. Meetings of committees shall be posted in accordance with the Freedom of Information Act. A record shall be maintained by the chairperson of each committee of each meeting, which shall include the names of committee members in attendance, listing of topics discussed and committee recommendations.
3. The Superintendent shall notify all Board members of committee meetings.
4. An Executive Committee consisting of the Chairperson, the Vice Chairperson and the Secretary shall be a standing committee of the Board.
 - A. The Executive Committee shall meet with the Superintendent as requested by the Superintendent or as directed by the Chairperson to review matters related to administrative, personnel, pupil personnel, issues and general matters not requiring action of the Board as a whole.
 - B. Other responsibilities of the Executive Committee include:
 - (1) Long-range agenda planning
 - (2) Facilitating communication between the Superintendent and Board members.

5. Standing Committees

In addition to the Executive Committee, the Board of Education shall have five (5) standing committees as follows: Curriculum and Student Development Committee, Facilities Committee, Finance Committee, Personnel Committee and Policy Committee.

The following rules apply specifically to standing committees:

1. Standing committee chairpersons and members on standing committees shall serve for the same term as the Board Chairperson.
2. No board member may chair more than one standing committee.
3. The Board Chairperson shall designate standing committee members, subject to Board action. Board members interested in serving on a particular standing committee shall notify the chairperson.

Duties of Standing Committees

Standing committees are assigned regular duties as described below.

Curriculum and Student Development Committee

- Recommend to the Board curriculum revisions, additions, and deletions submitted by the superintendent.
- Monitor the effectiveness of the curriculum in achieving Board goals and objectives.
- Monitor progress and report regularly to the full Board regarding District curriculum and programmatic initiatives.
- Review instructional technology plans to provide for district programmatic and curriculum needs.

Facilities Committee

- Develop Planned and Cycled Maintenance 10-year plan for operational improvements and oversee implementation.
- Make recommendations to the Board on the effective utilization of all buildings and grounds to address educational programming, school safety and school security.
- Receive periodic reports from the Superintendent and the District Facilities Director regarding maintenance projects, facilities project progress and other facilities-related matters.

Finance Committee

- Review, deliberate, and adjust the budget, proposed by the administration, for the operation of the district for the upcoming school year.
- Recommend to the entire Board a budget which in the committee's view supports the goals and objectives of the district for the upcoming school year.
- Recommend projects for the Capital Improvement Program.
- Serve as an advocate for the budget adopted by the Board during the town budget adoption process.
- Oversee the ongoing financial status of the district budget during each school year.
- Recommend action to the entire Board that the committee deems appropriate

concerning the fiscal affairs of the district.

Personnel Committee

- Negotiate contracts with administration, professional staff, and non-certified personnel toward the goal of reaching a fair and equitable agreement.
- Maintain confidentiality while negotiations are ongoing.
- Research the Board's position referring to current and local data to substantiate proposals.
- Work with the Board to set parameters within which to negotiate.
- Keep the Board apprised of the negotiations process.
- Present a package of negotiated items for the Board's approval.

Policy Committee

- Formulate policies to be presented to entire Board for action.
- Suggest amendments to / revisions of existing policies.
- Serve as a resource to provide policy reference to other board members.
- Regularly review Board policies.
- Review legislative updates to ensure district policy compliance.

Legal Reference

Conn. Gen. Stat. § 10-218 Officers. Meetings

First Reading: November 28, 2023

Second Reading: December 12, 2023

#9450**Board Committees**

Standing Committees

The Board of Education shall have five (5) standing committees as follows: Curriculum and Student Development Committee, Facilities Committee, Finance Committee, Personnel Committee and Policy Committee. Temporary and liaison assignments are not considered to be standing committees.

Standing Committee Membership

The Board Chairperson shall designate standing committee members, subject to Board action. Therefore, any member of the Board who is interested in serving on a particular standing committee shall notify the Chairperson.

The following rules apply specifically to standing committees:

1. Standing committee chairpersons and members on standing committees shall serve for the same term as the Board Chairperson.
2. No board member may chair more than one standing committee.

Duties of Standing Committees

Standing committees are assigned regular duties as described below. The Board Chairperson may assign additional tasks or responsibilities to a standing committee as needed. If the tasks or responsibilities become a recurring and substantial part of the standing committee's work, the Board of Education may consider revising the duties of that standing committee in the bylaws.

Standing committees discuss and vote on matters to be presented with the committee's approval to the Board when such matters are within the purview of the Board and subject to Board vote. They also regularly report to the Board on committee matters.

Communications Committee

The Communications Committee has been sunset by the Board of Education effective November 9, 2021.

Curriculum and Student Development Committee

- Recommend to the Board curriculum revisions, additions, and deletions submitted by the superintendent.
- Participate as appropriate in all phases of curriculum review.
- Monitor the effectiveness of the curriculum in achieving Board goals and objectives.
- Monitor progress and report regularly to the full Board regarding District programmatic initiatives.
- Monitor progress and report regularly to the full Board regarding District curriculum initiatives.
- Receive regular updates and projections regarding enrollment.
- Recommend to the entire Board, in cooperation with administrators and staff, program development needs in the area of student development, including health, safety, and student growth needs outside the curriculum, including recommendations for staff, related to new or revised programs and initiatives.
- Review instructional technology plans to provide for district programmatic and curriculum needs.

Facilities Committee

- Develop Planned and Cycled Maintenance 10-year plan for operational improvements and oversee implementation.
- Make recommendations to the Board on the effective utilization of all buildings and grounds to address educational programming, school safety and school security.
- Develop and maintain a telecommunications plan to provide for district needs, including but not limited to school community safety and security.
- Receive periodic reports from the Superintendent and the District Facilities Director regarding maintenance projects, facilities project progress and other facilities-related matters.
- Invite District and Town employees and officials as appropriate to committee and Board meetings to report on or discuss facilities-related matters.

Finance Committee

- Review, deliberate, and adjust the budget, proposed by the administration, for the operation of the district for the upcoming school year.
- Recommend to the entire Board a budget which in the committee's view supports the goals and objectives of the district for the upcoming school year.
- Recommend the format and procedures for budget presentations and hearings.
- Serve as an advocate for the budget adopted by the Board during the town budget adoption process, including:
 - Board of Education hearings
 - Presentations to the Board of Selectmen and the Board of Finance Town meetings
 - Budget referenda
- Oversee the ongoing financial status of the district budget during each school year.
- Recommend action to the entire Board that the committee deems appropriate concerning the fiscal affairs of the district.
- Provide and maintain services related to operations, such as transportation, fuel, food services, and telecommunications.
- Using enrollment data provided by the Curriculum and Student Development Committee, make recommendations for future staffing.

Personnel Committee

- Act as an agent for the Board while deferring decision making to the full Board.
- Negotiate contracts with administration, professional staff, and non-certified personnel toward the goal of reaching a fair and equitable agreement.
- Maintain confidentiality while negotiations are ongoing.
- Research the Board's position referring to current and local data to substantiate proposals.
- Work with the Board to set parameters within which to negotiate.
- Keep the Board apprised of the negotiations process.
- Present a package of negotiated items for the Board's approval.

Policy Committee

- Formulate policies to be presented to entire Board for action.
- Suggest amendments to / revisions of existing policies.
- Serve as a resource to provide policy reference to other board members.
- Conduct annual reviews of policies.
- Review legislative updates to ensure district policy compliance.
- Review bylaws on an annual basis.

Ad Hoc Committees

The Chairperson of the Board may establish an ad hoc committee at any regular meeting of the Board. The committee purpose, membership, and term shall be determined at the time of creation. An ad hoc committee is considered dissolved when its final report has been accepted by the Board of Education.

Committee Objectives

- Responsible for oversight/development of Master Facilities Plan.
- Develop Capital Improvement Program (CIP) 5-year plan, 10-year plan and Planned and Cycled Maintenance 10-year plan for operational improvements and oversee implementation.
- Review CIP ten-year plan for approval and recommendation to the Board.
- Monitor and oversee implementation of ten-year plan.
- Create an overall 10 year planned and cycled maintenance plan for operational improvements.
- Determine what, if any, steps are necessary to address the needs of students within our buildings.
- Investigate and examine the state of repair of the school buildings and make recommendations for a holistic approach over a specific timespan to the Board as may be deemed necessary for alterations or repairs of said buildings.
- Make recommendations to the Board on the effective utilization of all buildings and grounds to address the needs of students, including policies on rentals, etc.

#9540(e)

- Liaise with other Board Committees to ensure smooth management of facilities and facilities projects and to ensure clear communication with community.
- Review non-instructional technology plans to provide for district needs.

Rules Governing Appointment and Functions of Standing and Ad Hoc Committees:

1. A committee may be established or dissolved by the Board Chairperson at any regular Board of Education meeting through action of the Board.
2. The committee members shall be appointed by the Board, as designated by the Board Chairperson.
3. The Board Chairperson shall be an *ex-officio* member of all Board committees.
4. The Board Chairperson shall select a committee chairperson from among the members of a committee, subject to Board approval.
5. Advisory members, community, staff, or student representatives may be appointed by the Board to serve as advisory members to a Board committee for a specific length of time or purpose. Staff and student advisory members will be named by the Board only upon the Superintendent's recommendation.
6. The status of *ex-officio* members and advisory members of Board committees shall be as follows:
 - a. These members may not be included in considering whether a quorum of the committee is present.
 - b. These members may not vote on recommendations to be made by the committee to the Board.
 - c. *Ex-officio* and / or advisory members may present in writing a minority report to the Board whenever they disagree with recommendations made by the committee to the Board.
7. Board of Education committees have no authority independent of the entire Board of Education.
8. All reports of Board committees will be made directly to the Board. Board committees will not release reports to the public without prior Board approval.

#9540(f)

Legal Reference:

Connecticut General Statutes
1-18a Definitions
1-21 Meetings of Government Agencies to be Public

Date of Adoption: June 4, 1973 (as #8130)
Date of Revision: September 10, 2019
Date of Revision: January 4, 2022

#9450.1

Committees of the Whole

The Board of Education shall act as a committee of the whole in final consideration of all matters.

Legal Reference: Connecticut General Statutes
1-18a Definition
1-21 Meetings of Government Agencies to be Public

Date of Adoption: 3/21/89
1st Revision: 1/3/95

#9460**Advisory Committees**

The Madison Board of Education (the “Board”) shall establish an Advisory Committee (“Committee”) by Board vote when the Board determines and after consultation with the Superintendent, that the establishment of a Committee is necessary or desirable. The establishment and functioning of the Committee will be subject to the following requirements:

- The Board will appoint the members of the Committee and establish the scope and general schedule or expected timeframe of the Committee’s work, which will be clearly communicated to the Committee when it is appointed. Persons appointed will be residents concerned with public education who are able to dedicate the effort, time, and talents needed for the Committee’s assignment. At the discretion of the Board, one or more Board members may be appointed to serve on the Committee in an advisory role.
- All Committees will be temporary. Committees generally will serve only during the fiscal year of appointment or until completion of the assignment, whichever is shorter. At the end of the fiscal year or the completion of the assignment, the Board will determine, by Board vote, whether to dissolve the Committee. Continuing the Committee for all or part of the subsequent fiscal year is at the discretion of the Board.
- The Board may appoint the chairperson of the Committee, or it may appoint a Committee member to serve as chairperson until the Committee selects a chairperson from its membership. The Committee will appoint a member as secretary.
- Vacancies will be filled by the Board upon the advice of the Committee.
- The Committee shall follow the provisions of the Freedom of Information Act (“FOIA”) as required by state law. As such, unless an exemption applies, the Committee will follow the FOIA’s requirements, including but not limited to those related to the conduct of meetings and the posting and construction of notices and agenda.

#9460(b)

- Minutes of meetings will be posted to the public, in accordance with the FOIA.
- Joint meetings of the Board and the Committee will be held at the request of the Board or of the chairperson of the Committee.
- To ensure smooth and orderly procedures, the chairperson of the Committee will maintain liaison with the Board through the Superintendent's office.
- At the conclusion of its assignment, the Committee will submit a written report of its findings and/or recommendations to the Board. At such time, a joint meeting may be called to discuss the report and the Committee's recommendations.
- The Board retains the right to determine whether to adopt such recommendations and/or take further action, or no action, in light of the report.

Date of Adoption: March 7, 1995
Date Revised: October 11, 2022