



Policy Committee

Exhibits

Policy for Rescission, First Reading:

- 5100.9.1 Student Recruitment
- 9740 Board-Community Relations

Policy for Rescission, Waive Second Reading:

- 5120.8 Missing School without Parental Consent/Unaccounted for
- 5120.9.1 Supervision of Students
- 5120.9.2 Student Dismissal Precautions

Policy for Review, First Reading:

- 5110.4 Student Discipline
- 5040 Admission to the Public Schools at or Before Age Five
- 9540.2 Construction and Posting of Agenda
- 5180.1 Confidentiality and Access to Educational Records

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 for Review, Waive Second Reading:

- 4040 Plan for Minority Educator Recruitment

Policy Summary

Nov. 28, 2023

Policy for Rescission, First 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We recommend this policy be repealed and replaced with the model Uniform Treatment of Recruiters policy in Series 2000, and the model Student Records (FERPA) policy.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 Rescission, Waive Second Reading:

5120.8 Missing School without Parental Consent/Unaccounted for

Recommend repealing this policy because the topic is addressed by the Model Policy Attendance, Truancy, Chronic Absenteeism. (Model policy has been adopted)

5120.9.1 Supervision of Students

This policy is not mandatory and we recommend repeal. Job descriptions and collective bargaining agreements address "duties" of teachers and other staff members. Further, this policy applies broadly to all schools and age levels, even though necessary and appropriate levels of supervision may differ.

5120.9.2 Student Dismissal Precautions

This policy is not mandatory and we recommend repeal. This topic concerns the day-to-day operation of a school building and is best included in a regulation or school procedures. If the Board wishes to maintain the policy, we recommend internal review to ensure the policy is still being implemented, as it was last reviewed in 1996.

Policy for Review, First 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.

Policy for Review, Waive Second Reading:

4040 Plan for Minority Educator Recruitment

Under prior law, boards of education were required to develop and implement a “plan for minority educator recruitment” to reduce racial, ethnic and economic isolation and provide students with opportunities to interact with teachers from a variety of racial, ethnic, and economic backgrounds. Effective July 1, 2023, state law requires that such plan be named the “increasing educator diversity plan.” The new law also changes various references from “minority” to “diverse” without redefining the term’s underlying meaning. We revised our model policy to account for these language adjustments. Boards of education should note that, pursuant to Section 10 of Public Act 23-167, they are now required to submit their “increasing educator diversity plan” to the Commissioner of Education by March 15, 2024 for review and approval. In customizing and implementing their plans, boards of education should be mindful of state and federal legal requirements as well as evolving legal developments in the wake of the United States Supreme Court’s decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina*.

**#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 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.
10-221b Board of education to establish written uniform policy re: treatment of recruiters.

Date of Adoption: October 20, 1998
Date of Revision: June 20, 2002
Date of Revision: February 8, 2006
Technical Revision: August 22, 2006

#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

#5120.8**Missing School Without Parental Consent / Unaccounted For**

In the event that a student's absence cannot be reconciled per the conditions delineated in Policies #5080 (Absences), #5080.1 (Tardiness) or #5080.2 (Truancy), school officials will cooperate with local authorities to report cases of unaccounted for or missing students.

After notifying the parent, guardian, or legal custodian of an unaccounted for student absence, school personnel will cooperate with the parents and authorities to provide information to assist in locating the student.

Date of Adoption: June 4, 1996

Regulation #5120.8
Missing School Without Parental Consent / Unaccounted For

Reference Code of Conduct Section IV.

**#5120.9.1
Supervision of Students**

Supervision inside and outside the classroom is necessary to protect the physical safety of the students. Each principal will be responsible to draw up a list of supervisory duties and assign staff members within the building to cover them. The duties specifically will include: lunch, recess, hall monitoring, bus duties as well as other duties peculiar to a particular building or educational level. The numbers of staff members required for a particular duty or set of duties will be determined by the principal.

The Board expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices, or engaging in school sponsored activities. School personnel assigned this supervision are expected to act as prudent adults, keeping student safety as their chief concern.

During school hours, or while engaging in school sponsored activities, students will be released only into the custody of parents or other authorized persons.

The school administrators will ensure that anyone who wishes to contact a student during the school day is doing so within approved guidelines.

Date of Adoption: January 23, 1996
Reference: Policy # 5120, Student Welfare/Safety

**#5120.9.2
Student Dismissal Precautions**

No staff member will excuse any student from school prior to the end of the school day, or into any person's custody, without the direct prior approval and knowledge of the building principal or his/her designee, who will authorize early or otherwise irregular dismissal only when it is requested by the student's parent or guardian. Students who are eighteen or older may be released without parental permission per the principal's approval.

Special precautions will be taken by the school administration appropriate to the age of students, and as needs arise.

No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal.

No school or grade may be dismissed before the regular hour for dismissal except with the approval of the Superintendent of Schools.

Release of Child to Noncustodial Parent

Before releasing a child to a parent or guardian, the school principal or designee will ascertain that the person calling for the child is the parent/guardian. A child will be released to either parent if the parents are divorced and have joint custody. A child will be released to a noncustodial parent only if there is a permission for doing so signed by the custodial parent on file with the school office.

Permission to Leave Grounds During the School Day

A student will not be permitted to leave school during the school day in the custody of a person other than the student's parent or legal guardian unless that person has the authorization of one of the parents or legal guardians and can identify himself/herself. In

5120.9.2 (Continued)

all cases, the teacher will secure the approval of the principal or his/her designee. The principal will verify the authorization.

Students will not miss classes for errands away from the school grounds except in instances where the activity is related to the course or school activity and with the approval of the principal or assistant principal and permission of the parent.

No student will be released from school early on the basis of a phone call which has not been validated.

**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

31 process that a hearing may be delayed until a time as soon after the exclusion of such
32 student as possible.

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

35 **G. Expulsion** means the exclusion of a student from school privileges for more than ten
36 (10) consecutive school days and shall be deemed to include, but not be limited to,
37 exclusion from the school to which such ~~pupil~~-student was assigned at the time such
38 disciplinary action was taken. The expulsion period may not extend beyond one (1)
39 calendar year.

40 **H. Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun)
41 that will, is designed to, or may be readily converted to expel a projectile by the action
42 of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or
43 silencer, or (d) any destructive device. The term firearm does not include an antique
44 firearm. As used in this definition, a "**destructive device**" includes any explosive,
45 incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a
46 propellant charge of more than four ounces, a missile having an explosive or incendiary
47 charge of more than one-quarter ounce, a mine, or any other similar device; or any
48 weapon (other than a shotgun or shotgun shell which the Attorney General finds is
49 generally recognized as particularly suited for sporting purposes) that will, or may be
50 readily converted to, expel a projectile by explosive or other propellant, and which has
51 a barrel with a bore of more than ½" in diameter. The term "destructive device" also
52 includes any combination of parts either designed or intended for use in converting any
53 device into any destructive device and from which a destructive device may be readily
54 assembled. A "destructive device" does not include: an antique firearm; a rifle intended
55 to be used by the owner solely for sporting, recreational, or cultural purposes; or any
56 device which is neither designed nor redesigned for use as a weapon.

57 **G-I. Protected Class Harassment** is a form of discrimination on the basis of any
58 protected characteristic (or protected class) including race, color, religion, age, sex,
59 sexual orientation, marital status, national origin, alienage, ancestry, disability,
60 pregnancy, gender identity or expression, veteran status, status as a victim of domestic

61 violence, or any other basis prohibited by state or federal law (“Protected Class”).
62 Harassment constitutes unlawful discrimination when it creates a hostile environment,
63 which occurs when the harassment is sufficiently severe, pervasive, or persistent so as
64 to interfere with or limit a student’s ability to participate in or benefit from the services,
65 activities, or opportunities offered by a school. Harassment does not have to include
66 intent to harm, be directed at a specific target, or involve repeated incidents.
67 Harassment against any individual on the basis of that individual’s association with
68 someone in a Protected Class may be a form of Protected Class harassment.

69 H.J. **In-School Suspension** means an exclusion from regular classroom activity for no
70 more than ten (10) consecutive school days, but not exclusion from school, provided
71 such exclusion shall not extend beyond the end of the school year in which such in-
72 school suspension was imposed. No student shall be placed on in-school suspension
73 more than fifteen (15) times or a total of fifty (50) days in one (1) school year,
74 whichever results in fewer days of exclusion.

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

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

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

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

82 L.O. **Seriously Disruptive of the Educational Process**, as applied to off-campus
83 conduct, means any conduct that markedly interrupts or severely impedes the day-to-
84 day operation of a school.

85 M.P. **Suspension** means the exclusion of a student from school and/or transportation
86 services for not more than ten (10) consecutive school days, provided such suspension
87 shall not extend beyond the end of the school year in which such suspension is imposed;
88 and further provided no student shall be suspended more than ten (10) times or a total

89 of fifty (50) days in one school year, whichever results in fewer days of exclusion,
90 unless such student is granted a formal hearing as provided below.

91 **N.Q.** **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police
92 baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring
93 release device by which a blade is released from the handle, having a blade of over one
94 and one-half inches in length, any stiletto, any knife the edged portion of the blade of
95 which is four inches and over in length, any martial arts weapon or electronic defense
96 weapon, or any other dangerous or deadly weapon or instrument, unless permitted by
97 law under Section 29-38 of the Connecticut General Statutes.

98 **R.** Notwithstanding the foregoing definitions, the reassignment of a student from one
99 regular education classroom program in the **D**istrict to another regular education
100 classroom program in the **D**istrict shall not constitute a suspension or expulsion.

101 **O.S.** For purposes of this policy, references to “school”, “school grounds”, and
102 “classroom” shall include physical educational environments, including on school
103 transportation, as well as in which students are engaged in remote learning, which
104 means instruction by means of one or more Internet-based software platforms as part
105 of a remote learning.

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

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

109 1. Suspension. Students may be suspended for conduct on school grounds, on school
110 transportation, or at any school-sponsored activity that violates a publicized policy
111 of the Board or is seriously disruptive of the educational process or endangers
112 persons or property.

113 2. Expulsion. Students may be expelled for conduct on school grounds, on school
114 transportation or at any school-sponsored activity that either (1) violates a
115 publicized policy of the Board and is seriously disruptive of the educational
116 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.

~~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.

- 144 3. The use of obscene or profane language or gestures, the possession and/or display of
145 obscenity or pornographic images or the unauthorized or inappropriate possession
146 and/or display of images, pictures or photographs depicting nudity.
- 147 4. Violation of smoking, dress, transportation regulations, or other regulations and/or
148 policies governing student conduct.
- 149 5. Refusal to obey a member of the school staff, law enforcement authorities, or school
150 volunteers, or disruptive classroom behavior.
- 151 6. Any act of Protected Class Harassment or reprisal or retaliation against any individual
152 for reporting in good faith incidents of Protected Class Harassment, or who participate in
153 the investigation of such reports.
154
- 155 7. Refusal by a student to respond to a staff member's request for the student to provide
156 the student's name to a staff member when asked, misidentification of oneself to such
157 person(s), lying to school officials or otherwise engaging in dishonest behavior.
- 158 8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on
159 school grounds, on school transportation, or at a school-sponsored activity.
- 160 9. A walk-out from or sit-in within a classroom or school building or school grounds.
- 161 10. Blackmailing, threatening or intimidating school staff or students (or acting in a
162 manner that could be construed to constitute blackmail, a threat, or intimidation,
163 regardless of whether intended as a joke)
- 164 11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon,
165 electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal
166 knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or
167 unloaded, whether functional or not, or any other dangerous object or instrument.
168 The possession and/or use of any object or device that has been converted or modified
169 for use as a weapon.
- 170 12. Possession of any ammunition for any weapon described above in paragraph 11.
- 171 13. Unauthorized entrance into any school facility or portion of a school facility or aiding
172 or abetting an unauthorized entrance.

- 173 14. Possession or ignition of any fireworks, combustible or other explosive materials, or
174 ignition of any material causing a fire. Possession of any materials designed to be
175 used in the ignition of combustible materials, including matches and lighters.
- 176 15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine
177 delivery systems (e.g. e-cigarettes), electronic cannabis delivery system, or vapor
178 products, or the unlawful possession, sale, distribution, use or consumption of drugs,
179 narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or
180 alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic
181 beverages), including being under the influence of any such substances or aiding in
182 the procurement of any such substances. For the purposes of this Paragraph 15, the
183 term “electronic nicotine delivery system” shall mean an electronic device used in
184 the delivery of nicotine or other substances to a person inhaling from the device, and
185 includes, but is not limited to, an electronic cigarette, electronic cigar, electronic
186 cigarillo, electronic pipe or electronic hookah and any related device and any
187 cartridge or other component of such device, including, but not limited to, electronic
188 cigarette liquid. For purposes of Paragraph 15, the term “electronic cannabis delivery
189 system” shall mean an electronic device that may be used to simulate smoking in the
190 delivery of cannabis to a person inhaling the device and includes, but is not limited
191 to, a vaporizer, electronic pipe, electronic hookah and any related device and any
192 cartridge or other component of such device. For the purposes of Paragraph 15, the
193 term “vapor product” shall mean any product that employs a heating element, power
194 source, electronic circuit or other electronic, chemical or mechanical means,
195 regardless of shape or size, to produce a vapor that may or may not include nicotine
196 and is inhaled by the user of such product. For the purposes of this Paragraph 15, the
197 term "drugs" shall include, but shall not be limited to, any medicinal preparation
198 (prescription and non-prescription) and any controlled substance whose possession,
199 sale, distribution, use or consumption is illegal under state and/or federal law,
200 including cannabis.
- 201 16. Sale, distribution, or consumption of substances contained in household items;
202 including, but not limited to glue, paint, accelerants/propellants for aerosol canisters,
203 and/or items such as the aerators for whipped cream; if sold, distributed or consumed

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- 204 for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering
205 effect.
- 206 17. Possession of paraphernalia used or designed to be used in the consumption, sale or
207 distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above.
208 For purposes of this policy, drug paraphernalia includes any equipment, products and
209 materials of any kind which are used, intended for use or designed for use in planting,
210 propagating, cultivating, growing, harvesting, manufacturing, compounding,
211 converting, producing, processing, preparing, testing, analyzing, packaging,
212 repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or
213 otherwise introducing controlled drugs or controlled substances into the human body,
214 including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco
215 rolling papers, and any object or container used, intended or designed for use in
216 storing, concealing, possessing, distributing or selling controlled drugs or controlled
217 substances, including cannabis.
- 218 18. The destruction of real, personal or school property, such as, cutting, defacing or
219 otherwise damaging property in any way.
- 220 19. Accumulation of offenses such as school and class tardiness, class or study hall
221 cutting, or failure to attend detention.
- 222 20. Trespassing on school grounds while on out-of-school suspension or expulsion.
- 223 21. Making false bomb threats or other threats to the safety of students, ~~staff~~
224 ~~member~~employees, and/or other persons.
- 225 22. Defiance of school rules and the valid authority of teachers, supervisors,
226 administrators, other ~~staff member~~employees and/or law enforcement authorities.
- 227 23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically
228 authorized by ~~school~~school employees responsible for student supervision ~~staff~~.
- 229 24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school
230 grounds or at any school-sponsored activity.

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

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

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

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

272 35. Engaging in a plan to stage or create a violent situation for the purposes of recording
273 it by electronic means; or recording by electronic means acts of violence for purposes
274 of later publication (other than to school officials).

275 36. Engaging in a plan to stage sexual activity for the purposes of recording it by
276 electronic means; or recording by electronic means sexual acts for purposes of later
277 publication.

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

282 38. Use of a privately owned electronic or technological device in violation of school
283 rules, including the unauthorized recording (photographic or audio) of another
284 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

340 the ~~principal or principal's~~responsible administrator or administrator's designee at
341 once.

342 ~~B.~~ A student may not be removed from class more than six (6) times in one
343 school year nor more than twice in one week unless the student is referred to the
344 ~~building principal or~~responsible administrator or administrator's designee and
345 granted an informal hearing at which the student should be informed of the
346 reasons for the disciplinary action and given an opportunity to explain the
347 situation.

348 C.B. The parents or guardian of any minor student removed from class shall be given
349 notice of such disciplinary action within twenty-four (24) hours of the time of the
350 institution of such removal from class.

351 **VI. Procedures Governing Suspension**

352 A. The ~~principal of a school, or~~responsible administrator or administrator's designee ~~on~~
353 ~~the administrative staff of the school,~~ shall have the right to suspend a student for breach
354 of conduct as noted in Section II of this policy for not more than ten (10) consecutive
355 school days. In cases where suspension is contemplated, the following procedures shall
356 be followed.

357 1. Unless an emergency situation exists, no student shall be suspended prior to having
358 an informal hearing before the ~~principal or~~responsible administrator or
359 administrator's designee at which the student is informed of the charges and given
360 an opportunity to respond. In the event of an emergency, the informal hearing shall
361 be held as soon after the suspension as possible.

362 2. If suspended, such suspension shall be an in-school suspension, except the ~~principal~~
363 ~~or~~responsible administrator or administrator's designee may impose an out-of-
364 school suspension on any pupil:

365 a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the
366 ~~principal or~~responsible administrator or administrator's designee determines
367 that the student poses such a danger to persons or property or such a disruption
368 of the educational process that student should be excluded from school during

369 the period of suspension; or (ii) the ~~principal or responsible administrator or~~
370 ~~administrator's~~ designee determines that an out-of-school suspension is
371 appropriate based on evidence of (A) the student's previous disciplinary
372 problems that have led to suspensions or expulsion of such student, and
373 (B) previous efforts by the Administration to address the student's disciplinary
374 problems through means other than out-of-school suspension or expulsion,
375 including positive behavioral support strategies, or

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

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

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

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

395 6. In all cases, the parent or guardian of any minor student who has been suspended
396 shall be given notice of such suspension within twenty-four (24) hours of the time
397 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.

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

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

440 **VII. Procedures Governing In-School Suspension**

441 A. The ~~principal or responsible administrator or administrator's~~ designee may impose in-
442 school suspension in cases where a student's conduct endangers persons or property,
443 violates school policy or seriously disrupts the educational process as determined by
444 the ~~principal or responsible administrator or administrator's~~ designee.

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

447 C. In-school suspension may be served in the school or program that the student regularly
448 attends or in any other school building within the jurisdiction of the Board.

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

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

455 **VIII. Procedures Governing Expulsion Hearing**

456 A. Emergency Exception

457 Except in an emergency situation, the Board of Education shall, prior to expelling any
458 student, conduct a hearing to be governed by the procedures outlined herein and
459 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat.
460 § 10-233l, if applicable, as well as the applicable provisions of the Uniform
461 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-

462 181a. Whenever an emergency exists, the hearing provided for herein shall be held as
463 soon as possible after the expulsion.

464 B. Hearing Panel:

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

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

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

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

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

479 3. The written notice of the expulsion hearing shall inform the student of the
480 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.
- 507

508 D. Hearing Procedures:

- 509 1. The hearing will be conducted by the Presiding Officer, who will call the meeting
510 to order, introduce the parties, Board members and ~~counsel~~others participating in
511 the hearing (if applicable), briefly explain the hearing procedures, and swear in any
512 witnesses called by the Administration or the student. If an impartial board or more
513 than one person has been appointed, the impartial board shall appoint a Presiding
514 Officer.
- 515 2. The hearing will be conducted in executive session. A verbatim record of the
516 hearing will be made, either by tape or digital recording or by a stenographer. A
517 record of the hearing will be maintained, including the verbatim record, all written
518 notices and documents relating to the case and all evidence received or considered
519 at hearing.
- 520 3. The Administration shall bear the burden of production to come forward with
521 evidence to support its case and shall bear the burden of persuasion. The standard
522 of proof shall be a preponderance of the evidence.
- 523 4. Formal rules of evidence will not be followed. The Board (or the impartial board)
524 has the right to accept hearsay and other evidence if it deems that evidence relevant
525 or material to its determination. The Presiding Officer will rule on testimony or
526 evidence as to it being immaterial, ~~or~~ irrelevant, and/or any other objections to its
527 submission.
- 528 5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the
529 Board (or the impartial board) will receive and consider evidence regarding the
530 conduct alleged by the Administration.
- 531 6. In the first part of the hearing, the charges will be introduced into the record by the
532 Superintendent or designee.
- 533 7. Each witness for the Administration will be called and sworn. After a witness has
534 finished testifying, he/she will be subject to cross-examination by the opposite party
535 or his/her legal counsel, by the Presiding Officer and by Board members (or the
536 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

566 Board (or the impartial board) is considering length of expulsion and nature of
567 alternative educational opportunity to be offered.

568 14. Where administrators presented the case in support of the charges against the
569 student, neither such administrative staff nor the Superintendent or
570 Superintendent's designee shall not be present during the deliberations of the Board
571 (or the impartial board) either on questions of evidence or on the final discipline to
572 be imposed. The Superintendent or Superintendent's designee may, after reviewing
573 the incident with administrators, and reviewing the student's records, make a
574 recommendation to the Board (or the impartial board) as to the appropriate
575 discipline to be applied.

576 ~~13.~~15. The Board (or the impartial board) shall make findings as to the truth of the
577 charges, if the student has denied them; and, in all cases, the disciplinary action, if
578 any, to be imposed. While the hearing itself is conducted in executive session, the
579 vote regarding expulsion must be made in open session and in a manner that
580 preserves the confidentiality of the student's name and other personally identifiable
581 information.

582 14.16. Except for a student who has been expelled based on possession of a firearm
583 or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or
584 the impartial board) may, in its discretion, shorten or waive the expulsion period
585 for a student who has not previously been suspended or expelled, if the student
586 completes a Board-specified program and meets any other conditions required by
587 the Board (or the impartial board). The Board-specified program shall not require
588 the student and/or the student's parents to pay for participation in the program.

589 ~~15.~~17. The Board (or the impartial board) shall report its final decision in writing
590 to the student, or if such student is a minor, also to the parent(s) or guardian(s),
591 stating the reasons on which the decision is based, and the disciplinary action to be
592 imposed. Said decision shall be based solely on evidence presented at the hearing.
593 The parents or guardian or any minor student who has been expelled shall be given
594 notice of such disciplinary action within twenty-four (24) hours of the time of the
595 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

626 also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation
627 of the Facts to the Board (or the impartial board) in lieu of holding the first part of the
628 hearing, as described above. Such Joint Stipulation shall include language indicating
629 that the parents and/or student over the age of 18 understand their right to have a hearing
630 to determine whether the student engaged in the alleged misconduct and that the Board,
631 in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the
632 Board (or the impartial board) rejects the Joint Stipulation of Facts, a full expulsion
633 hearing shall be held pursuant to the procedures outlined herein.

634 **IX. Alternative Educational Opportunities for Expelled Students**

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

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

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

639 1. The Board of Education shall provide an alternative educational opportunity to a
640 sixteen (16) to eighteen (18) year-old student expelled for the first time if the
641 student requests it and if the student agrees to the conditions set by the Board ~~of~~
642 Education(or the impartial board). Such alternative educational opportunity may
643 include, but shall not be limited to, the placement of a pupil-student who is at least
644 seventeen years of age in an adult education program. Any pupil-student
645 participating in an adult education program during a period of expulsion shall not
646 be required to withdraw from school as a condition to participation in the adult
647 education program.

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

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

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

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

658 D. Content of Alternative Educational Opportunity

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

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

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

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

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

684 The Board of Education may offer an alternative educational opportunity to a ~~pupil~~
685 student for whom such alternative educational opportunity is not required by law or as
686 described in this policy. In such cases, the Board, or if delegated by the Board, the
687 Administration, shall determine the components, including nature, frequency and
688 duration of such services, of any such alternative educational opportunity.

689 **X. Notice of Student Expulsion on Cumulative Record**

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

695 In cases where the student’s period of expulsion is shortened or waived in accordance with
696 Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from
697 the cumulative record at the time the student completes the Board-specified program and
698 meets any other conditions required by the Board.

699 If a student’s period of expulsion was not shortened or waived, the Board may choose to
700 expunge the expulsion notice from the student’s cumulative record prior to graduation if
701 such student has demonstrated to the Board that the student’s conduct and behavior in the
702 years following such expulsion warrants an expungement. In deciding whether to expunge
703 the expulsion notice, the Board may receive and consider evidence of any subsequent
704 disciplinary problems that have led to removal from a classroom, suspension or expulsion
705 of the student.

706 If the student has not previously been suspended or expelled, and the Administration
707 chooses to expunge the expulsion notice from the student’s cumulative record prior to
708 graduation, the Administration may refer to the existence of the expunged notice,
709 notwithstanding the fact that such notice may have been expunged from the student’s
710 cumulative file, for the limited purpose of determining whether any subsequent suspension
711 or expulsion by the student would constitute the student’s first such offense.

712

713 **XI. Change of Residence During Expulsion Proceedings**

714 A. Student moving into the ~~school-D~~district:

715 1. If a student enrolls in the ~~D~~istrict while an expulsion hearing is pending in another
716 public school district, such student shall not be excluded from school pending
717 completion of the expulsion hearing unless an emergency exists, as defined above.
718 The Board shall retain the authority to suspend the student or to conduct its own
719 expulsion hearing.

720 2. Where a student enrolls in the district during the period of expulsion from another
721 public school district, the Board may adopt the decision of the student expulsion
722 hearing conducted by such other school district. The student shall be excluded from
723 school pending such hearing. The excluded student shall be offered an alternative
724 educational opportunity in accordance with statutory requirements. The Board (or
725 the impartial board) shall make its determination pertaining to expulsion based
726 upon a hearing held by the Board (or the impartial board), which hearing shall be
727 limited to a determination of whether the conduct which was the basis of the
728 previous public school district's expulsion would also warrant expulsion by the
729 Board.

730 B. Student moving out of the ~~school-D~~district:

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

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

739 A. Suspension of IDEA students:

740 Notwithstanding the foregoing, if the Administration suspends a student identified as
741 eligible for services under the IDEA (an "IDEA student") who has violated any rule or

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code of conduct of the ~~school-district~~District that applies to all students, the following procedures shall apply:

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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.

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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.

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

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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:

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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).

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2. The ~~school-D~~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

772 the student's disability and the behavior that led to the recommendation for
773 expulsion or the suspension which constitutes a change in placement, in order to
774 determine whether the student's behavior was a manifestation of the student's
775 disability.

776 3. If the student's PPT finds that the behavior was a manifestation of the student's
777 disability, the Administration shall not proceed with the recommendation for
778 expulsion or the suspension that constitutes a change in placement.

779 4. If the student's PPT finds that the behavior was not a manifestation of the student's
780 disability, the Administration may proceed with the recommended expulsion or
781 suspension that constitutes a change in placement.

782 5. During any period of expulsion, or suspension of greater than ten (10) days per
783 school year, the Administration shall provide the student with an alternative
784 education program in accordance with the provisions of the IDEA.

785 6. When determining whether to recommend an expulsion or a suspension that
786 constitutes a change in placement, the building-responsible administrator (or
787 designee) should consider the nature of the misconduct and any relevant
788 educational records of the student.

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

790 1. ~~School personnel~~A responsible administrator may remove a student eligible for
791 special education under the IDEA to an appropriate interim alternative educational
792 setting for not more than forty-five (45) school days if the student:

793 a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2),
794 as amended from time to time, on school grounds, on school transportation or
795 at a school-sponsored activity, or

796 b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a
797 controlled substance while at school, on school transportation or at a school-
798 sponsored activity; or

799

800 c. Has inflicted serious bodily injury upon another person while at school, on
801 school premises, on school transportation or at a school function.

802 2. The following definitions shall be used for this subsection XII.C.:

803 a. **Dangerous weapon** means a weapon, device, instrument, material, or
804 substance, animate or inanimate, that is used for, or is readily capable of,
805 causing death or serious bodily injury, except that such term does not include a
806 pocket knife with a blade of less than 2.5 inches in length.

807 b. **Controlled substance** means a drug or other substance identified under
808 schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act,
809 21 U.S.C. 812(c).

810 c. **Illegal drug** means a controlled substance but does not include a substance that
811 is legally possessed or used under the supervision of a licensed health-care
812 professional or that is legally possessed or used under any other authority under
813 the Controlled Substances Act or under any other provision of federal law.

814 d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial
815 risk of death; (B) extreme physical pain; (C) protracted and obvious
816 disfigurement; or (D) protracted loss or impairment of the function of a bodily
817 member, organ, or mental faculty.

818 **XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section**
819 **504 of the Rehabilitation Act of 1973 (“Section 504”)**

820 A. Except as provided in subsection B below, notwithstanding any provision to the
821 contrary, if the Administration recommends for expulsion a student identified as
822 eligible for educational accommodations under Section 504 who has violated any rule
823 or code of conduct of the ~~school-D~~district that applies to all students, the following
824 procedures shall apply:

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- 826 1. The parents of the student must be notified of the decision to recommend the
827 student for expulsion.
- 828 2. The District shall immediately convene the student’s Section 504 team (“504
829 team”) for the purpose of reviewing the relationship between the student’s disability
830 and the behavior that led to the recommendation for expulsion. The 504 team will
831 determine whether the student’s behavior was a manifestation of the student’s
832 disability.
- 833 3. If the 504 team finds that the behavior was a manifestation of the student’s
834 disability, the Administration shall not proceed with the recommended expulsion.
- 835 4. If the 504 team finds that the behavior was not a manifestation of the student’s
836 disability, the Administration may proceed with the recommended expulsion.
- 837 B. The Board may take disciplinary action for violations pertaining to the use or
838 possession of illegal drugs or alcohol against any student with a disability who currently
839 is engaging in the illegal use of drugs or alcohol to the same extent that such
840 disciplinary action is taken against nondisabled students. Thus, when a student with a
841 disability is recommended for expulsion based solely on the illegal use or possession
842 of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship
843 between the student’s disability and the behavior that led to the recommendation for
844 expulsion.

845 **XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention**
846 **Center**

- 847 A. Any student who commits an expellable offense and is subsequently placed in a
848 juvenile detention center or any other residential placement for such offense may be
849 expelled by the Board in accordance with the provisions of this section. The period of
850 expulsion shall run concurrently with the period of placement in a juvenile detention
851 center or other residential placement.
- 852 B. If a student who committed an expellable offense seeks to return to a the District after
853 participating in a diversionary program or having been placed in a juvenile

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

858 **XV. Early Readmission to School**

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

864 **XVI. Dissemination of Policy**

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

868 **XVII. Compliance with Documentation and Reporting Requirements**

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

871 B. The ~~Board of Education~~District shall report all suspensions and expulsions to the State
872 Department of Education.

873 C. If the Board of Education expels a student for sale or distribution of a controlled
874 substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture,
875 distribution, sale, prescription, dispensing, transporting or possessing with the intent to
876 sell or dispense, offering, or administration is the subject to criminal penalties under
877 Conn. Gen. Stat. §§ 21a-277 and 21a-278, the ~~Board~~District shall refer such student to
878 an appropriate state or local agency for rehabilitation, intervention or job training and
879 inform the agency of its action.

880

881 D. If the Board of Education expels a student for possession of a firearm, as defined in 18
882 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as
883 defined in Conn. Gen. Stat. § 53a-3, the ~~Board-District~~ shall report the violation to the
884 local police.

885 **Legal References:**

886 Connecticut General Statutes:

887
888 § 10-16 Length of school year
889
890 § 10-74j Alternative education
891
892 §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures
893 Act
894
895 § 10-222d Safe school climate plans. Definitions. Safe school climate
896 assessments
897
898 §§ 10-233a through 10-233f Suspension and expulsion of students
899
900 § 10-233l Expulsion and suspension of children in preschool programs
901
902 § 10-253 School privileges for children in certain placements,
903 nonresident children, children in temporary shelters,
904 homeless children and children in juvenile detention
905 facilities. Liaison to facilitate transitions between school
906 districts and juvenile and criminal justice systems.
907
908 § 19a-342a Use of electronic nicotine delivery system or vapor product
909 prohibited. Exceptions. Signage required. Penalties
910
911 § 21a-240 Definitions
912
913 § 21a-277 Penalty for illegal manufacture, distribution, sale, prescription,
914 dispensing
915
916 § 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or
917 administration by non-drug-dependent person
918
919 §§ 21a-408a through 408p Palliative Use of Marijuana
920
921 § 29-35 Carrying of pistol or revolver without permit prohibited.
922 Exceptions
923
924 § 29-38 Weapons in vehicles
925

- 926 § 53a-3 Definitions
- 927
- 928 § 53-206 Carrying of dangerous weapons prohibited
- 929
- 930 § 53-344 Sale or delivery of cigarettes or tobacco products to persons under
- 931 twenty-one.
- 932
- 933 § 53-344b Sale and delivery of electronic nicotine delivery system or vapor
- 934 products to persons under twenty-one years or age
- 935

936 Public Act No. 21-46, “An Act Concerning Social Equity and the Health, Safety

937 and Education of Children.”

938

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

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

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

942

943 Connecticut State Department of Education, *Standards for Educational*

944 *Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

945

946 Federal law:

947

948 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended

949 by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L.

950 108-446.

951

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

953 18 U.S.C. § 921 (definition of “firearm”)

954 18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)

955 18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)

956 21 U.S.C. § 812(c) (identifying “controlled substances”)

957 34 C.F.R. § 300.530 (defining “illegal drugs”)

958 Gun-Free Schools Act, 20 U.S.C. § 7961

959 *Honig v. Doe*, 484 U.S. 305 (1988)

960

961

962 Date of Adoption: October 6, 2020

963 Date of Revision: January 4, 2022

964

965 First Reading: November 28, 2023

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

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

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75
76 Date of Adoption: August 22, 2023

77
78 First Reading: November 28, 2023

Confidentiality and Access to Education Records

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4 **I. POLICY**
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6 The Board of Education (“Board”) complies with the state and federal laws and regulations
7 regarding confidentiality, access to and amendment of education records. The Board shall
8 implement procedures that protect the privacy of parents and students while providing proper
9 access to records. Availability of these procedures shall be made known annually to parents of
10 students currently in attendance and eligible students currently in attendance.
11

12 **II. DEFINITIONS**
13

14 A. Access is defined as the right to inspect or review a student’s education records or any
15 part thereof. Access may include the right to receive copies of records under limited
16 circumstances.
17

18 B. Authorized representative means any entity or individual designated by the Board, a
19 State educational authority, or an agency headed by an official listed in 34 C.F.R. §
20 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education
21 programs -- any audit or evaluation, or any compliance or enforcement activity in
22 connection with Federal legal requirements that relate to these programs.
23

24 C. Biometric record, as used in the definition of personally identifiable information, means
25 a record of one or more measurable biological or behavioral characteristics that can be
26 used for automated recognition of an individual, such as fingerprints, retina and iris
27 patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
28

29 D. De-identified education records means education records or information from education
30 records from which all personally identifiable information has been removed, and for
31 which the district has made a reasonable determination that a student’s identity is not
32 personally identifiable, whether through single or multiple releases, taking into account
33 other reasonably available information.
34

35 E. Directory Information includes information contained in an education record of a
36 student that would not generally be considered harmful or an invasion of privacy if
37 disclosed. Directory information includes, but is not limited to, the parent’s name,
38 address and/or e-mail address; the student’s name, address, telephone number, e-mail
39 address, photographic, computer and/or video images, date and place of birth, major
40 field(s) of study, grade level, enrollment status (full-time; part-time), participation in
41 school-sponsored activities or athletics, weight and height (if the student is a member of
42 an athletic team), dates of attendance, degrees, honors and awards received, the most
43 recent previous school(s) attended, and student identification numbers for the limited
44 purposes of displaying a student identification card. The student identification number,
45 however, will not be the only identifier used when obtaining access to education records
46 or data. Directory information does not include a student’s social security number,

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

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

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

62 H. Education Records
63

64 1. Education records means any information directly related to a student that
65 is recorded in any manner (e.g., handwriting, print, computer media, video
66 or audio tape, film, microfilm, and microfiche) and that is maintained by
67 the school system or persons acting for the school system.
68

69 2. Education records do not include:
70

71 a) private, personal, or working notes in the sole possession of the
72 maker thereof, and which are not accessible or revealed to any
73 other individual except a “substitute”;
74

75 b) records maintained by a law enforcement unit of the school district
76 that were created by that unit for the purpose of law enforcement;
77

78 c) employment records used only in relation to the student’s
79 employment by the school district that are 1) made and maintained
80 in the normal course of business, 2) relate exclusively to the
81 student’s capacity as an employee, and 3) are not made available
82 for any other purpose;
83

84 d) records on an eligible student (i.e. over 18 or attending a
85 postsecondary educational institution) that are considered
86 “treatment records” as they meet the following criteria: 1) the
87 records are maintained by a physician, psychiatrist, psychologist, or
88 other recognized professional or paraprofessional acting in his or
89 her professional capacity or assisting in a paraprofessional
90 capacity, 2) the records are made in connection with the treatment
91 of the student and 3) the records are disclosed only to individuals
92 providing such treatment (treatment does not include remedial

93 educational activities or activities that are part of the program or
94 instruction of the school district); however, the school district must,
95 upon request, permit an eligible student to have a physician or
96 other appropriate professional of the student's choice review
97 his/her treatment records;

98
99 e) records created or received by the school district after an individual
100 is no longer a student in attendance and that are not directly related
101 to the individual's attendance as a student; and

102
103 f) grades on peer-graded papers before they are collected and
104 recorded by a teacher.

105
106 I. Eligible Student is a student or former student who has reached 18 years of age or is
107 attending an institution of post-secondary education or is an emancipated minor.

108
109 ~~J. — If the district maintains a law enforcement unit, the district should include this~~
110 ~~definition within the policy.~~

111
112 ~~Law Enforcement Unit is an individual, office, department, division, or other~~
113 ~~component of an educational agency or institution, that is officially authorized or~~
114 ~~designated by that agency or institution to 1) enforce laws or refer matters of law~~
115 ~~enforcement to appropriate authorities or 2) maintain the physical security and safety~~
116 ~~of the agency or institution.~~

117
118 K. Legitimate Educational Interest means the need for a school official to review an
119 education record in order to fulfill his or her professional responsibilities.

120
121 L. Parent is defined as a parent or parents of a student, including a natural parent, a
122 guardian, or surrogate parent, or an individual acting as a parent in the absence of a
123 parent or guardian. The rights of a parent shall transfer to an eligible student; however,
124 a parent of a student who claims that student as a dependent under Section 152 of the
125 Internal Revenue Code of 1986 is entitled to access to the student's education records
126 without the eligible student's consent.

127
128 M. Personally Identifiable Information includes, but is not limited to, the student's name;
129 the name of the student's parent or other family members; the address of the student or
130 his/her family; a personal identifier, such as the student's social security number,
131 student number or biometric record; other indirect identifiers, such as the student's date
132 of birth, place of birth, and mother's maiden name; other information that, alone or in
133 combination, is linked or linkable to a specific student that would allow a reasonable
134 person in the school community, who does not have personal knowledge of the relevant
135 circumstances, to identify the student with reasonable certainty; or information
136 requested by a person who the school district reasonably believes knows the identity of
137 the student to whom the education record relates.

139 N. School Official is a person employed by the District as an administrator, supervisor,
140 instructor or support staff member (including health or medical staff and law
141 enforcement unit personnel); a person serving on the Board of Education; a volunteer,
142 contractor or consultant or other party who performs an institutional service or function
143 for the District (such as an attorney, auditor, medical consultant, therapist, or school
144 resource officer); or a parent or student serving on an official committee, such as a
145 disciplinary or grievance committee; or a parent, student or other volunteer assisting
146 another school official in performing his or her tasks.
147

148 O. Signed and Dated Written Consent to disclose personally identifiable student
149 information from a student’s education records must specify the records to be disclosed,
150 the purpose of disclosure and the party to whom such records should be provided.
151 Consent may include a record and signature in electronic form provided that the consent
152 identifies and authenticates a particular person as the source of electronic consent.
153

154 **III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY**
155 **INFORMATION**
156

157 A. On an annual basis, the school district will notify parents and/or eligible students
158 currently in attendance of their rights regarding a student’s education records. This
159 notice will be published in all student handbooks in the school district and will also be
160 published in the school district’s guide to Pupil Personnel **[or Special Education]**
161 Services and will be published in any other manner “reasonably likely” to inform such
162 parents and eligible students of their rights. The school district will take steps to ensure
163 that parents or eligible students whose primary or home language is not English or who
164 are disabled will also be notified of their rights regarding a student’s education records.
165

166 B. On an annual basis, the school district will also notify parents and/or eligible students
167 currently in attendance of any categories of information designated as **directory**
168 **information**. This notice will provide such individuals with an opportunity to object to
169 such disclosure. An objection to the disclosure of directory information shall be good
170 for only one school year. Parents and/or eligible students may not use the right to opt
171 out of directory information disclosures to prohibit the school district from requiring
172 students to wear or display a student identification card.
173

174 C. In the annual notification, the school district will also provide notice to parents and/or
175 eligible students that the district is legally obligated to provide military recruiters,
176 institutions of higher education, or school choice programs, upon request, with the
177 names, addresses and telephone numbers of secondary school students, unless the
178 secondary student or the parent of the student objects to such disclosure in writing.
179 Such objection must be in writing and shall be effective for one school year.
180

181 **IV. CONFIDENTIALITY OF EDUCATION RECORDS**
182

183 A. All school officials are directed to maintain the confidentiality of personally identifiable
184 information contained in a student’s education records. Each person who has access to

185 education records is responsible for ensuring personally identifiable information is
186 protected from disclosure at collection, storage, disclosure, and destruction stages.
187 Disclosure of information is permitted only in accordance with Board policy and
188 administrative regulations and in a manner consistent with state and federal law.
189

190 B. Education records are not public records and any disclosure other than to persons
191 authorized to receive the records without prior consent of a parent or an eligible student
192 violates the law and Board policy, except as provided in federal and state statutes.
193

194 C. The school district shall use reasonable methods, including administrative policies and
195 procedures, as well as physical and technological access controls, to ensure that school
196 officials obtain access to only those education records in which they have a legitimate
197 educational interest.
198

199 D. The district shall use reasonable methods to identify and authenticate the identity of
200 parents, students, school officials and other parties to whom the district discloses
201 personally identifiable information from education records.
202

203 E. The district shall require contractors and other outside agencies with access to education
204 records to certify their compliance with the confidentiality requirements of this policy,
205 as well as applicable state and federal law.
206

207 **V. ACCESS TO EDUCATION RECORDS**
208

209 A. Parents and/or an eligible student have the right to inspect and review all education
210 records of the student unless such rights have been waived under Article XI, below.
211 Parents' rights of inspection and review are restricted to information dealing with their
212 own child. In the case of an eligible student, the right to inspect and review is restricted
213 to information concerning the student. All requests for access to education records must
214 be in writing.
215

216 B. When submitting a written request to inspect or review education records, the request
217 must identify the record or records being sought. The school district will notify the
218 parent or eligible student of the date, time, and location where the records may be
219 inspected and reviewed.
220

221 C. The parents or eligible students may designate in writing a representative to inspect and
222 review the records. Consent for disclosure of education records to a designated
223 representative must be signed and dated by the parent or eligible student.
224

225 D. A school professional shall be present at all such inspections and reviews and shall
226 respond to reasonable requests for explanations and interpretations of the records.
227

228 E. For the records of **regular education students**, the Board will make education records
229 available for inspection and review by parents or eligible students within a reasonable

230 period of time, but in any event, no more than forty-five (45) calendar days from the
231 receipt of a written request.

232
233 F. For **students requiring special education**, the Board will comply with a request to
234 review and inspect the child’s education records without unnecessary delay and before
235 any meeting regarding an IEP or any due process hearing or resolution session held in
236 accordance with the IDEA; otherwise, the Board will comply with such request not later
237 than ten (10) school days of such request.

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

251
252 H. Aside from a parent or eligible student, staff members, school employees and other
253 school officials may access a student’s education records **only if** they have been
254 determined by the school system to have a legitimate educational interest in accessing
255 the information contained in such records. Disclosures to any other parties may only be
256 made in accordance with the exemptions and provisions set forth in Article VII, below.

257
258 I. Pursuant to the procedures set forth in Article VI, below, the district maintains a record
259 of all parties that have requested access to education records, including access to
260 education records found in computer memory banks.

261
262
263 J. Non-custodial Parents:

264
265 1. Divorced Parents

266
267 A parent does not lose his or her right to access to education records upon
268 divorce. Non-custodial parents retain their rights to review their child’s
269 education records unless the school district has been provided with
270 evidence that there is a court order, state statute, or legally binding
271 document relating to such matters as divorce, separation, or custody that
272 specifically revokes the non-custodial parent’s rights. School notices shall
273 be mailed to the non-custodial parent/guardian requesting the notices at the
274 same time that they are provided to the custodial parent/guardian. Any
275 requests by the non-custodial parent/guardian to receive school notices

276 shall be effective for as long as the child remains in the school the student
277 is attending at the time of the request.

278
279 2. Incarcerated Parents

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

- 286
287 (a) such information is considered privileged under Conn. Gen. Stat.
288 § 10-154a, regarding a communication made privately and in
289 confidence by a student to a professional employee in the course of
290 the professional employee’s employment concerning alcohol or
291 drug abuse or any alcoholic or drug problem of such student;
292
293 (b) such incarcerated parent has been convicted in Connecticut or any
294 other state of sexual assault in violation of Conn. Gen. Stat. §§ 53a-
295 70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
296
297 (c) such incarcerated parent is prohibited from knowledge of or access
298 to such student’s cumulative record pursuant to a court order.
299

300 K. Unaccompanied Youth:

301
302 Notwithstanding anything in this policy to the contrary, an unaccompanied youth shall
303 be entitled to knowledge of and have access to all educational, medical or similar
304 records in the cumulative record of such unaccompanied youth maintained by the
305 school district. For the purposes of this provision, the term “unaccompanied youth”
306 shall mean a homeless child or youth not in the physical custody of a parent or
307 guardian.
308

309 L. Copies of Education Records/Fees:

- 310
311 1. The school district cannot charge a fee to search for or to retrieve the
312 education records of a student. As noted above, if a student has been
313 identified as requiring special education and related services, the parents’
314 (or eligible student’s) right to inspect and review the child’s records shall
315 include the right to receive **one free copy** of those records. The request for
316 the free copy shall be made in writing. The Board shall comply with such
317 request as stated above. A charge will be levied for additional copies; in
318 no case will the charge exceed **[50¢]** per page. *Please note that the*
319 *district may or may not charge for copies, provided such fee is consistent*
320 *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;

- 367 4. the purpose for which the party was granted access to the records;
- 368
- 369 5. the names of additional parties to whom the receiving party may disclose
- 370 the information on behalf of the school district; and
- 371
- 372 6. the legitimate educational interest in obtaining the information.
- 373
- 374 C. The record (log) requirement does not apply to requests from, or disclosure to:
- 375
- 376 1. a parent or eligible student;
- 377
- 378 2. a party seeking directory information;
- 379
- 380 3. a party who has a signed and dated written consent from the parent and/or
- 381 eligible student;
- 382
- 383 4. school officials from the school district in which the student is currently
- 384 enrolled who have a legitimate educational interest in the information
- 385 contained in the student's record; or
- 386
- 387 5. persons seeking or receiving the information as directed by a Federal grand
- 388 jury, other law enforcement subpoena, or ex parte order of the Attorney
- 389 General of the United States (provided that the information requested is
- 390 not to be redisclosed).
- 391
- 392 D. The record (log) is a permanent part of the student's education records and must
- 393 be available to the parent or eligible student upon request.
- 394
- 395 E. If the district makes a release of education records without consent in **a health**
- 396 **and safety emergency**, the district must record:
- 397
- 398 1. the articulable and significant threat to the health and safety of a student or
- 399 other individuals that formed the basis for disclosure; and
- 400
- 401 2. the parties to whom the district disclosed the information.
- 402

403 **VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE**

404 **INFORMATION**

405

- 406 A. The school system or its designated agent(s) may not permit release of education
- 407 records or any information from such records that contain personally identifiable
- 408 student information to any outside individual, agency, or organization without the
- 409 signed and dated written consent of the parents or eligible student, except as indicated
- 410 in Article VII.C below. Personally identifiable information contained in the education
- 411 record, other than directory information, will not be furnished in any form (i.e.,
- 412 written, taped, video or audio recorded, person-to-person, statement over the

- 413 telephone, on computer disk, e-mailed or electronic message, etc.) to any person other
414 than those listed below, unless prior written consent has been obtained.
415
- 416 B. To be effective, the written consent must be signed and dated and must specify the
417 records that may be disclosed, state the purpose of the disclosure, and identify the
418 party or class of parties to whom the disclosure may be made.
419
- 420 C. Personally identifiable information may be released **without consent** of the parents, or
421 the eligible student, only if the disclosure meets one of the criteria set forth below:
422
- 423 1. School Officials:
424
- 425 a) The disclosure is to other school officials within the district,
426 including teachers, who have been determined by the school
427 district to have legitimate educational interests in the education
428 records.
429
- 430 b) A contractor, consultant, volunteer, or other party to whom the
431 district has outsourced institutional services or functions, provided
432 that the party:
433
- 434 1) performs an institutional service or function for which the
435 district would otherwise use employees;
436
- 437 2) is under the direct control of the district with respect to the
438 use and maintenance of education records; and
439
- 440 3) is subject to the requirements of FERPA with respect to the
441 use and redisclosure of personally identifiable information
442 from education records.
443
- 444 c) The Board shall comply with the below Section I of this Article VII
445 prior to the provision of student records, student information or
446 student-generated content to any school official who is a consultant
447 or operator, as those terms are defined in Section I.
448
- 449 3. Transfer Students:
450
- 451 a) The disclosure is to officials of another school, including other
452 public schools, charter schools, and post-secondary institutions, in
453 which the student seeks or intends to enroll, or where the student is
454 already enrolled so long as the disclosure is for purposes related to
455 the student's enrollment or transfer. Disclosure of personally
456 identifiable information will be made only upon condition that the
457 student's parents be notified of the transfer, receive a copy of the

- 458 record if desired, and have an opportunity for a hearing to
459 challenge the content of the record pursuant to Article X.
460
- 461 b) When a student enrolls in a new public school district (including a
462 public charter school), the receiving school district must send
463 written notice of such enrollment to the school the student
464 previously attended not later than two (2) business days after the
465 student enrolls. Not later than ten (10) days after receipt of such
466 notice, the sending school shall transfer the student’s records to the
467 new school district.
468
- 469 c) Upon notification by the Department of Children and Families
470 (“DCF”) of a decision to change the school placement for a student
471 attending district schools who is placed in out-of-home care by
472 DCF pursuant to an order of temporary custody or an order of
473 commitment, in accordance with Section 46b-129 of the
474 Connecticut General Statutes, the Board shall transmit to the
475 receiving school, not later than one (1) business day after receipt of
476 such notification from DCF, all essential education records for the
477 student, including, but not limited to, the student’s individualized
478 education program (“IEP”) and behavioral intervention plan, if
479 any, and all documents necessary for the receiving school to
480 determine appropriate class placement and to provide educational
481 services. The Board shall transfer nonessential records to the
482 receiving school in accordance with subsection b above.
483
- 484 4. The disclosure is to authorized representatives of the U.S. Comptroller, the
485 U.S. Attorney General, the U.S. Secretary of Education, or State or local
486 educational authorities. Disclosures of this nature may be made only in
487 connection with an audit or evaluation of Federal or State supported
488 education programs, or for the enforcement of or compliance with the
489 Federal legal requirements that related to these programs. These entities
490 may make further disclosures of personally identifiable information that
491 are designated by them as their authorized representatives to conduct any
492 audit, evaluation, or enforcement or compliance activity on their behalf, if
493 applicable requirements are met.
494
- 495 5. The disclosure is made in connection with a student’s application for, or
496 receipt of, financial aid, if such information is necessary to determine
497 eligibility for, the amount of, or the conditions for financial aid, or to
498 enforce the terms and conditions of financial aid.
499
- 500 6. The disclosure is to state and local officials or authorities within the
501 juvenile justice system as long as the officials and authorities to whom the
502 records are disclosed certify in writing to the school district that (a) the
503 information is required by the court, and (b) will not be disclosed to any

- 504 other party without the prior, written consent of the parent of the student,
505 except as provided under state law. Disclosure shall be permitted for
506 information relating to the student's school attendance, adjustment and
507 behavior, as well as the student's IEP and related documents if the student
508 receives special education services. If a student is placed on probation by
509 the juvenile court, school officials may issue their own recommendation
510 concerning the conditions of the student's probation.
511
- 512 7. The disclosure is to organizations conducting studies for, or on behalf of,
513 educational agencies or institutions for the purpose of developing,
514 validating, or administering predictive tests, administering student aid
515 programs, or improving instruction, so long as:
516
- 517 a) the study does not permit personal identification of parents or
518 students by individuals other than representatives of the
519 organization,
520
- 521 b) the information is destroyed after it is no longer needed for the
522 purposes for which the study was conducted, and
523
- 524 c) the Board enters into a written agreement with the organization
525 conducting the study that satisfies the requirements of 34 C.F.R.
526 § 99.31(a)(6).
527
- 528 8. The disclosure is to accrediting organizations in order to carry out their
529 accrediting functions.
530
- 531 9. The disclosure is to parents of an eligible student who claim that student as
532 a dependent student as defined in Section 152 of the Internal Revenue
533 Code of 1986.
534
- 535 10. The disclosure is to comply with a judicial order or lawfully issued
536 subpoena, provided that the educational agency makes a reasonable effort
537 to notify the parent or the eligible student in advance of compliance, unless
538 such disclosure is in compliance with
539
- 540 a) a federal grand jury subpoena and the court has ordered that the
541 existence or the contents of the subpoena or the information
542 furnished in response to the subpoena not be disclosed;
543
- 544 b) any other subpoena issued for a law enforcement purpose and the
545 court or other issuing agency has ordered that the existence or the
546 contents of the subpoena or the information furnished in response
547 to the subpoena not be disclosed; or
548

- 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

640 disclosure of directory information made while a student was in attendance
641 unless the student rescinds the objection.

642
643 4. An objection to the disclosure of directory information shall not prevent
644 the school district from disclosing or requiring a student to disclose the
645 student's name, identified or institutional email address in a class in which
646 the student is enrolled. Parents and/or eligible students may not use the
647 right to opt out of directory information disclosures to prohibit the school
648 district from requiring students to wear or display a student identification
649 card.

650
651 5. The school district will not use the student's social security number or
652 other non-directory information alone or combined with other elements to
653 identify or help identify the student or the student's records.

654
655 **E. De-identified Records and Information**

656
657 1. The school district may release education records or information from
658 education records without the consent of a parent or eligible student after
659 the removal of all personally identifiable information, provided that the
660 district has made a reasonable determination that a student's identity is not
661 personally identifiable, whether through single or multiple releases, taking
662 into account other reasonably available information.

663
664 2. The school district may release de-identified education records including
665 student level data from education records for the purpose of education
666 research by attaching a code to each record that may allow the recipient to
667 match information received from the same source, provided that:

668
669 a) the district does not disclose any information about how it
670 generates and assigns a record code, or that would allow a recipient
671 of the information to identify a student based on the record code;

672
673 b) the record code is used for no purpose other than identifying a de-
674 identified record for the purposes of education research and cannot
675 be used to ascertain personally identifiable information about a
676 student; and

677
678 c) the record code is not based on a student's social security number
679 or other personal information.

680
681 **F. Disciplinary Records:**

682
683 Nothing in this policy shall prevent the school district from:
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- 729
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

- 776 classroom, administrative activities and collaboration among students,
777 school personnel or parents or legal guardians of students.
778
- 779 d. Student means a person who is a resident of the state and (a) enrolled in
780 a preschool program participating in the state-wide public school
781 information system, pursuant to Conn. Gen. Stat. § 10-10a; (b) enrolled
782 in grades kindergarten to twelve, inclusive, in a school under the
783 jurisdiction of the Board; (c) receiving special education and related
784 services under an individualized education program; or (d) otherwise
785 the responsibility of the Board.
786
- 787 e. Student Information means personally identifiable information or
788 material of a student in any media or format that is not publicly
789 available and is any of the following:
790
- 791 1) Created or provided by a student or the parent or legal guardian
792 of a student, to the operator in the course of the student, parent
793 or legal guardian using the operator’s Internet web site, online
794 service or mobile application for school purposes;
795
 - 796 2) Created or provided by an employee or agent of the Board to an
797 operator for school purposes;
798
 - 799 3) Gathered by an operator through the operation of the operator’s
800 Internet web site, online service or mobile application and
801 identifies a student, including but not limited to, information in
802 the student’s records or electronic mail account, first or last
803 name, home address, telephone number, date of birth, electronic
804 mail address, discipline records, test results, grades, evaluations,
805 criminal records, medical records, health records, Social
806 Security number, biometric information, disabilities,
807 socioeconomic information, food purchases, political
808 affiliations, religious affiliations, text messages, documents,
809 student identifiers, search activity, photographs, voice
810 recordings, survey responses or behavioral assessments.
811
- 812 f. Student Record means any information directly related to a student that
813 is maintained by the Board or any information acquired from a student
814 through the use of educational software assigned to the student by a
815 teacher or employee of the Board, except student record does not
816 include de-identified student information allowed under the contract to
817 be used by the consultant or operator to:
818
- 819 1) Improve educational products for adaptive learning purposes
820 and customize student learning;
821

- 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

- 913
914
915 A. If a parent or an eligible student believes that information in the student’s education
916 records is inaccurate, misleading or in violation of the student’s right to privacy,
917 he/she is entitled to:
918
919 1. Request in writing that the school district amend the records;
920
921 2. Receive within a reasonable period of time a decision from the school district
922 with respect to its decision on the amendment(s) requested by the parent or
923 eligible student.
924
925 B. If the school district decides to amend the records, the school district shall promptly
926 take such steps as may be necessary to put the decision into effect with respect to the
927 requested amendments, and shall inform the parent or eligible student of the
928 amendment.
929
930 C. If the school district decides that an amendment of the records in accordance with the
931 request is not warranted, it shall so inform the parent or eligible student and advise
932 him/her of the right to a hearing pursuant to this policy.
933

X. HEARING RIGHTS AND PROCEDURES

- 934
935 A. Rights
936
937
938 1. Upon written request of a parent or eligible student to the Superintendent of
939 Schools, an opportunity for a hearing shall be provided to challenge the content
940 of a student’s education records on the grounds that the information contained
941 in the education records is inaccurate, misleading, or otherwise in violation of
942 the privacy rights of the student.
943
944 2. If, as a result of the hearing, the school district decides that information
945 contained in the education records of a student is inaccurate, misleading, or
946 otherwise in violation of the privacy rights of the student, the records shall be
947 amended, and the parent or eligible student shall be informed in writing.
948
949 3. If, as a result of the hearing, the school district decides that information
950 contained in the education records of a student is not inaccurate, misleading, or
951 otherwise in violation of the privacy rights of the student, the parent or eligible
952 student shall be informed of the right to place in the student’s education
953 records a statement commenting on the contested information or stating why
954 he or she disagrees with the district’s decision, or both.
955
956 a. Any statement placed in the records of the student shall be
957 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

- 1004 4. The waiver is in writing and executed by the student, regardless of age, rather
- 1005 than by the parent.
- 1006
- 1007 B. A waiver may be revoked with respect to any actions occurring after the
- 1008 revocation.
- 1009
- 1010 C. Revocation of a waiver must be in writing.
- 1011

1012 **XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED**

1013 **INFORMATION**

1014

- 1015 A. The following definitions shall apply to Article XII of this policy:
- 1016
- 1017 1. Confidential HIV-Related Information
- 1018
- 1019 “Confidential HIV-related information” means any information pertaining
- 1020 to the protected individual or obtained pursuant to a release of confidential
- 1021 HIV-related information, concerning whether a person has been counseled
- 1022 regarding HIV infection, has been the subject of an HIV-related test, or has
- 1023 HIV infection, HIV-related illness or AIDS, or information which
- 1024 identifies or reasonably could identify a person as having one or more of
- 1025 such conditions, including information pertaining to such individual’s
- 1026 partners.
- 1027
- 1028 2. Health Care Provider
- 1029
- 1030 “Health Care Provider” means any physician, dentist, nurse, provider of
- 1031 services for the mentally ill or persons with intellectual disabilities, or
- 1032 other person involved in providing medical, nursing, counseling, or other
- 1033 health care, substance abuse or mental health service, including such
- 1034 services associated with, or under contract to, a health maintenance
- 1035 organization or medical services plan.
- 1036
- 1037 3. Protected Individual
- 1038
- 1039 “Protected individual” means a person who has been counseled regarding
- 1040 HIV infection, is the subject of an HIV-related test or who has been
- 1041 diagnosed as having HIV infection, AIDS or HIV-related illness.
- 1042
- 1043 4. Release of confidential HIV-related information
- 1044
- 1045 “Release of confidential HIV-related information” means a written
- 1046 authorization for disclosure of confidential HIV-related information which
- 1047 is signed by the protected individual, if an eligible student, or a person
- 1048 authorized to consent to health care for the individual and which is dated
- 1049 and specifies to whom disclosure is authorized, the purpose for such

1050 disclosure and the time period during which the release is to be effective.
1051 A general authorization for the release of medical or other information is
1052 not a release of confidential HIV-related information, unless such
1053 authorization specifically indicates its dual purpose as a general
1054 authorization and an authorization for the release of confidential HIV-
1055 related information.

1056
1057 5. School Medical Personnel

1058
1059 “School medical personnel” means an employee of the Board who is a
1060 school nurse or the school district medical adviser.
1061

1062 B. Confidentiality of HIV-related Information

1063
1064 1. All school staff must understand that no person who obtains confidential
1065 HIV-related information regarding a protected individual may disclose or
1066 be compelled to disclose such information. Each person who has access to
1067 confidential HIV-related information is responsible for ensuring that
1068 confidential HIV-related information is protected from disclosure and/or
1069 redisclosure.
1070

1071 2. Confidential HIV-related information is not public information and any
1072 disclosure, other than to persons pursuant to a legally sufficient release or
1073 to persons authorized by law to receive such information without a legally
1074 sufficient release, violates the law and Board policy.
1075

1076 C. Accessibility of Confidential HIV-related Information

1077
1078 1. No school staff member who obtains confidential HIV-related information
1079 may disclose or be compelled to disclose such information, except to the
1080 following:

1081 a) the protected individual, his/her legal guardian or a person
1082 authorized to consent to health care for such individual;

1083 b) any person who secures a release of confidential HIV-related
1084 information;

1085 c) a federal, state or local health law officer when such disclosure is
1086 mandated or authorized by federal or state law;

1087 d) a health care provider or health facility when knowledge of the
1088 HIV-related information is necessary to provide appropriate care or
1089 treatment to the protected individual or when confidential HIV-
1090 related information is already recorded in a medical chart or record
1091
1092
1093
1094

1095 and a health care provider has access to such record for the purpose
1096 of providing medical care to the protected individual;

1097
1098 e) a medical examiner to assist in determining cause of death; or

1099
1100 f) any person allowed access to such information by a court order.

1101
1102 D. Procedures

1103
1104 1. If a school staff member, other than school medical personnel, is given
1105 confidential HIV-related information regarding a protected individual, who
1106 is also a student, from the student's legal guardian or the student, the
1107 school staff member shall attempt to secure a release of confidential HIV-
1108 related information for the sole purpose of disclosing such information to
1109 school medical personnel.

1110
1111 2. If a school medical personnel member is given confidential HIV-related
1112 information regarding a protected individual, who is also a student, by a
1113 student's legal guardian, or by the student, and the legal guardian or the
1114 student requests accommodations to the student's program for reasons
1115 related thereto, the school medical personnel member shall inform the
1116 legal guardian or the student, if an eligible student, that a release of
1117 confidential HIV-related information is necessary before such information
1118 may be disclosed to other educational personnel capable of assessing the
1119 need for and implementing appropriate accommodations to the student's
1120 program.

1121
1122 3. Any school staff member who obtains confidential HIV-related
1123 information from a source other than the protected individual or his/her
1124 legal guardian, shall keep such information confidential and shall not
1125 disclose such information.

1126
1127 4. No school staff member may disclose confidential HIV-related
1128 information to other school staff members without first obtaining a release
1129 of confidential HIV-related information.

1130
1131 5. Any record containing confidential HIV-related information shall be
1132 maintained in a separate file, and shall not be subject to the provisions of
1133 this policy regarding accessibility of general student records.

1134
1135 6. If school medical personnel determine that the health and safety of the
1136 student and/or others would be threatened if a release of confidential HIV-
1137 related information is not obtained, the school medical personnel may seek
1138 a court order authorizing disclosure. In such cases, such confidential HIV-
1139 related information may be disclosed as set forth in and subject to any
1140 limitation of such court order.

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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/>.

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1236 First Reading: November 28, 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

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

#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

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**#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

#4040

**Increasing Educator Diversity Plan for ~~Minority Educator Recruitment~~
(formerly Minority Recruitment Plan)**

In accordance with Sections 10-4a(3), 10-220(a), ~~and 10-156ee,~~ and 10-156hh of the Connecticut General Statutes, the Madison Board of Education (the “Board”) has developed the following written plan for ~~minority—increasing~~ educator recruitmentdiversity:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. Each Board employee involved in hiring educators for the Madison Public Schools (the “District”) shall successfully complete the video training module relating to implicit bias and anti-bias in the hiring process, developed pursuant to Connecticut General Statutes § 10-156ee, prior to such employee’s participation in the educator hiring process for the District.
32. The Board, or its designee, will develop contacts with local training and educational institutions, including those with ~~high minority~~highly diverse enrollments, to publicize job openings within the school district and to solicit referrals of diverse and qualified ~~minority~~ candidates.
43. The Board, or its designee, will develop contacts with local ~~minority~~ community organizations, including diverse community organizations, to publicize job openings within the school district and to solicit referrals of diverse and qualified ~~minority~~ candidates.
54. The Board, or its designee, will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to diverse individuals ~~minorities~~.

65. The Board, or its designee, will participate in local job fairs, including those that are sponsored by minority-diverse community organizations or otherwise targeted toward minorities diverse individuals.
76. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
8. The Board, or its designee, will review on an annual basis the effectiveness of this plan in increasing minority-diverse applicant flow and attracting qualified candidates for employment.

Legal References:

Connecticut General Statutes §10-4a (3) Educational interests of state identified
Connecticut General Statutes §10-220(a) Duties of boards of education
Connecticut General Statutes §10-156ee Duties re minority teacher recruitment
Connecticut General Statutes §10-156hh Completion of video training module
re implicit bias and anti-bias in hiring
process for certain school district
employees

Date of Adoption: June 15, 1999
Technical Revision: April 4, 2006
Date of Revision June 21, 2022

First Reading: November 28, 2023