

Policy summary

12.16.25

Policies for Review:

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

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

5180.1 Confidentiality and Access to Education Records

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

6130.2.2 Curricular Exemptions

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

Library Collection Development and Maintenance, Library Displays and Programs, and Library Material Review and Reconsideration (NEW) – repeal and replace policy 6144.2 Reevaluation of Challenged Instructional Materials and Library Media Center Resources

Section 321 of Public Act 25-168 requires boards of education to adopt three policies related to school libraries: (1) a library collection development and maintenance policy; (2) a library display and program policy; and (3) a library material review and reconsideration policy governing school library materials, displays, and programming. These policies must be created in consultation with the superintendent of schools, the director of curriculum, and a school librarian and reviewed and updated, as necessary, every five years. The policies must include a number of provisions outlined in the statute and ensure, among other things, that all library materials are evaluated and made accessible in accordance with state non-discrimination laws. We have drafted one comprehensive model policy that encompasses the new statutory requirements in all three areas.

6050 Parental Access to Instructional Material

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

#4119

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

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

1. Scope of Policy

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

2. Definitions

For the purposes of this policy:

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

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

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

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

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

3. What Must Be Reported

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

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believe that any child under the age of eighteen years:

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

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

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

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

4. Reporting Procedures for Statutorily Mandated Reporters

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

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

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

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

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129 (b) An electronic report shall be made in the manner prescribed by the Commissioner of
130 DCF. An employee making an electronic report shall respond to further inquiries from
131 the Commissioner of DCF or Commissioner's designee made within twenty-four (24)
132 hours. Such employee shall inform the Superintendent or Superintendent's designee as
133 soon as possible as to the nature of the further communication with the Commissioner
134 or Commissioner's designee.

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136 (2) The employee shall also make an oral report as soon as practicable to the Building
137 Principal or Building Principal's designee, and/or the Superintendent or
138 Superintendent's designee. If the Building Principal is the alleged perpetrator of the
139 abuse/neglect or sexual assault of a student, then the employee shall notify the
140 Superintendent or Superintendent's designee directly.

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142 (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student
143 by a school employee, the Superintendent or Superintendent's designee shall
144 immediately notify the child's parent or guardian that such a report has been made.

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146 (4) Not later than forty-eight (48) hours after making an oral report, the employee shall
147 submit a written or electronic report to the Commissioner of DCF or the
148 Commissioner's designee containing all of the required information. The written or
149 electronic report should be submitted in the manner prescribed by the Commissioner
150 of DCF. When such report is submitted electronically, the employee shall respond to
151 further inquiries from the Commissioner of DCF or Commissioner's designee made
152 within twenty-four (24) hours. Such employee shall inform the Superintendent or
153 Superintendent's designee as soon as possible as to the nature of the further
154 communication with the Commissioner or Commissioner's designee.

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156 (5) The employee shall immediately submit a copy of the written or electronic report to
157 the Building Principal or Building Principal's designee and to the Superintendent or
158 the Superintendent's designee.

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

5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

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

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

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

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

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

6. Contents of Reports

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

- a) The names and addresses of the child* and the child's parents or other person responsible for the child's care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or the child's siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;

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

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

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

7. Investigation of the Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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332 10. Delegation of Authority by Superintendent

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

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337 11. Confidential Rapid Response Team

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

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

12. Disciplinary Action for Failure to Follow Policy

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

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

14. Non-Discrimination Policy/Prohibition Against Retaliation

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

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

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

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

16. Training

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

~~d.) Beginning July 1, 2023, A~~all school employees, as defined above, shall complete the (1) training regarding the prevention and identification of, and response to, child sexual abuse and assault; (2) bystander training program; and (3) appropriate interaction with children training program. Each employee must repeat these trainings at least once every three years. Such trainings shall be identified or developed by DCF.

17. Records

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

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

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

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

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

~~Beginning July 1, 2023, and annually thereafter, i~~nformation regarding the sexual abuse and assault awareness and prevention program identified or developed by DCF shall be distributed electronically to all school employees, Board members, and the parents or guardians of enrolled students on an annual basis.

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Legal References:

Connecticut General Statutes:

Section 10-151 Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.

Section 10-221s Posting of Careline telephone number in schools. Investigations of child abuse and neglect. Disciplinary action.

Section 17a-101 et seq. Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.

Section 17a-101q Statewide Sexual Abuse and Assault Awareness and Prevention Program.

Section 17a-103 Reports by others. False reports. Notifications to law enforcement agency.

Section 46b-120 Definitions.

Section 53a-65 Definitions.

Public Act No. 22-87, "An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children."

Date of Adoption: April 6, 2021

First Reading: January 10, 2023

Second Reading: January 24, 2023

Date of Revision: January 24, 2023

Appendix A

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

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

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

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

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

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

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

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

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

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

aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

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

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

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

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

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

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

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

592
593 **Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**
594

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

604
605 **Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**
606

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

614
615 **Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**
616

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

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

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Confidentiality and Access to Education Records

I. POLICY

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

II. DEFINITIONS

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

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

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

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

H. Education Records

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

2. Education records do not include:

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

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

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

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

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

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

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

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

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

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

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

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

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

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

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

IV. CONFIDENTIALITY OF EDUCATION RECORDS

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

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

201 **V. ACCESS TO EDUCATION RECORDS**
202

- 203 A. Parents and/or an eligible student have the right to inspect and review all education
204 records of the student unless such rights have been waived under Article XI, below.
205 Parents' rights of inspection and review are restricted to information dealing with their
206 own child. In the case of an eligible student, the right to inspect and review is restricted
207 to information concerning the student. All requests for access to education records must
208 be in writing.
209
- 210 B. When submitting a written request to inspect or review education records, the request
211 must identify the record or records being sought. The school district will notify the
212 parent or eligible student of the date, time, and location where the records may be
213 inspected and reviewed.
214
- 215 C. The parents or eligible students may designate in writing a representative to inspect and
216 review the records. Consent for disclosure of education records to a designated
217 representative must be signed and dated by the parent or eligible student.
218
- 219 D. A school professional shall be present at all such inspections and reviews and shall
220 respond to reasonable requests for explanations and interpretations of the records.
221
- 222 E. For the records of regular education students, the Board will make education records
223 available for inspection and review by parents or eligible students within a reasonable
224 period of time, but in any event, no more than forty-five (45) calendar days from the
225 receipt of a written request.
226
- 227 F. For students requiring special education, the Board will comply with a request to
228 review and inspect the child's education records without unnecessary delay and before
229 any meeting regarding an IEP or any due process hearing or resolution session held in

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

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

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

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

J. Non-custodial Parents:

1. Divorced Parents

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

2. Incarcerated Parents

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

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

K. Unaccompanied Youth:

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

L. Copies of Education Records/Fees:

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

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

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

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

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

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

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

- 411
- 412 b) A contractor, consultant, volunteer, or other party to whom the
- 413 district has outsourced institutional services or functions, provided
- 414 that the party:
- 415
- 416 1) performs an institutional service or function for which the
- 417 district would otherwise use employees;
- 418
- 419 2) is under the direct control of the district with respect to the
- 420 use and maintenance of education records; and
- 421
- 422 3) is subject to the requirements of FERPA with respect to the
- 423 use and redisclosure of personally identifiable information
- 424 from education records.
- 425
- 426 c) The Board shall comply with the below Section I of this Article VII
- 427 prior to the provision of student records, student information or
- 428 student-generated content to any school official who is a consultant
- 429 or operator, as those terms are defined in Section I.
- 430

431 2. Transfer Students:

432

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

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

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

- b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and
- c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).
7. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
8. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
9. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with
- a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
- c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).
10. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
11. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
12. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or

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

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

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

D. Directory Information

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

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

E. De-identified Records and Information

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

F. Disciplinary Records:

Nothing in this policy shall prevent the school district from:

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

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

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

685 1. Documents related to any DCF child abuse and/or neglect investigations
686 that are maintained by the Board are considered education records under
687 the FERPA. As such, they are subject to the confidentiality and disclosure
688 requirements set forth in this policy and in corresponding provisions of
689 state and federal law. Such records, including records of allegations,
690 investigations and reports made to DCF, should be kept in a confidential
691 and central location, with restricted access and shall be disclosed only as
692 authorized by law. In addition to meeting the requirements under FERPA,
693 should the Board receive a request to disclose confidential DCF records to
694 an outside third party, the Board shall redact the name or other personally
695 identifiable information concerning the individual suspected of being
696 responsible for the alleged abuse and/or neglect unless the requested
697 records are being released to the individual named in the DCF records.
698

699 2. In addition, the district shall redact the name or any personally identifiable
700 information related to the identity of any individual responsible for making
701 a report of alleged child abuse and/or neglect before releasing or
702 transferring any DCF records containing such reports.
703

704 I. Except as set forth in Subsection I.5, below, the Board shall enter into a written
705 contract with a consultant or operator any time the Board shares or provides access to
706 student information, student records, or student-generated content with such consultant
707 or operator.
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709 1. The provisions of said contract shall comply with the requirements of Conn.
710 Gen. Stat. §§ 10-234aa to 10-234dd.
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712 2. The district shall maintain and update an Internet web site with information
713 relating to all contracts entered into pursuant to Subsection I, above. On or
714 before September 1st of each school year, the Board shall electronically notify
715 students and the parents or legal guardians of students of the address of such
716 Internet website. Not later than five (5) business days after executing a
717 contract pursuant to this subsection, the Board shall post notice of such
718 contract on the Board's website. The notice shall:
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720 a. State that the contract has been executed and the date that such contract
721 was executed;
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723 b. Provide a brief description of the contract and the purpose of the
724 contract; and
725

726 c. State what student information, student records or student-generated
727 content may be collected as a result of the contract.
728

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

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

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

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

- 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
- 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.
- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:
- 1) Improve educational products for adaptive learning purposes and customize student learning;
- 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and
- 3) Develop and improve the consultant's or operator's products and services.
5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:
- a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;

- b. The Board can provide evidence that it has made a reasonable effort to:
- 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and
 - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;
- c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and
- d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:
- 1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and
 - 2) authorizes the use of such Internet web site, online service or mobile application.
- e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in Subsection 5.b, above.

VIII. REDISCLOSURE OF EDUCATION RECORDS

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

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C, and such state or local educational authority or federal official or agency has complied with the requirements of 34 C.F.R. § 99.32(b)(2).
3. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C (10)).
4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
5. The information is considered directory information.

- C. In the event that the Student Privacy Policy Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

IX. AMENDMENT OF EDUCATION RECORDS

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

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

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

B. Procedures

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

- 960 4. The parent or eligible student and the school system shall have the right to be
961 represented by person(s) of their choosing at their own expense, to cross-
962 examine witnesses, to present evidence, and to receive a written decision of the
963 hearing.
964
965 5. The decision reached through the hearing shall be made in writing within a
966 reasonable period of time after the hearing. The decision will be based solely
967 upon the evidence presented at the hearing and shall include a summary of the
968 evidence and the reasons for the decision.
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970 **XI. WAIVER OF RIGHTS**

- 971
972 A. A student who is an applicant for admission to an institution of post-secondary
973 education, or is in attendance at an institution of post-secondary education, may
974 waive his or her right to inspect and review confidential letters and confidential
975 statements of recommendations with the following limitations:
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977 1. The student is notified, upon request, of the names of all individuals providing
978 the letters or statements.
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980 2. The letters or statements are used only for the purpose for which they were
981 originally intended.
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983 3. The waiver is not required by the district as a condition of admission to or
984 receipt of any other service or benefit from the district.
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986 4. The waiver is in writing and executed by the student, regardless of age, rather
987 than by the parent.
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989 B. A waiver may be revoked with respect to any actions occurring after the
990 revocation.
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992 C. Revocation of a waiver must be in writing.
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994 **XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED**
995 **INFORMATION**

- 996
997 A. The following definitions shall apply to Article XII of this policy:
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999 1. Confidential HIV-Related Information
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1001 “Confidential HIV-related information” means any information pertaining
1002 to the protected individual or obtained pursuant to a release of confidential
1003 HIV-related information, concerning whether a person has been counseled
1004 regarding HIV infection, has been the subject of an HIV-related test, or has
1005 HIV infection, HIV-related illness or AIDS, or information which

identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual's partners.

2. Health Care Provider

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

3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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

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

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C. Accessibility of Confidential HIV-related Information

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

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D. Procedures

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

1098 legal guardian or the student, if an eligible student, that a release of
1099 confidential HIV-related information is necessary before such information
1100 may be disclosed to other educational personnel capable of assessing the
1101 need for and implementing appropriate accommodations to the student's
1102 program.

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

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1124 E. Disclosures Pursuant to a Release

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- 1126 1. Any disclosure pursuant to a release shall be accompanied by a notice in
1127 writing stating, "This information has been disclosed to you from records
1128 whose confidentiality is protected by state law. State law prohibits you
1129 from making any further disclosure of it without the specific written
1130 consent of the person to whom it pertains, or as otherwise permitted by
1131 said law. A general authorization for the release of medical or other
1132 information is NOT sufficient for this purpose."
- 1133
- 1134 2. Oral disclosures must be accompanied or followed by the above notice
1135 within ten (10) days.
- 1136
- 1137 3. Except for disclosures made to a federal, state or local health officer when
1138 such disclosure is mandated or authorized by federal or state law, a
1139 notation of all disclosures shall be placed in the medical record or with any
1140 HIV-related test result of a protected individual, who shall be informed of
1141 such disclosures on request.
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1143 **XIII. CHILD ABUSE REPORTING**

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

XIV. RIGHT TO FILE A COMPLAINT

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

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

Legal References:

State Law:

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

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

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

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

1189 State Department of Education memorandum dated December 21, 2010, on
1190 school choice recruitment

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1192 Office of the Public Records Administrator, Retention Schedule M8-Education
1193 Records, Revised 2/2005, available at [http://ctstatelibrary.org/wp-](http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf)
1194 [content/uploads/2015/07/M8.pdf](http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf)

1195
1196
1197 Federal Law:

1198 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g

1199
1200 USA Patriot Act of 2001, Pub. L. No. 107-56

1201
1202 Every Student Succeeds Act, Pub. L. No. 114-95

1203
1204 Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296

1205
1206 The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et*
1207 *seq.*, as amended by Every Student Succeeds Act, Pub. L. No. 114-95.

1208
1209 34 C.F.R. §§ 99.1 - 99.67

1210 34 C.F.R. § 106.45

1211 34 C.F.R. §§ 300.560 - 300.576

1212 Balancing Student Privacy and School Safety: A Guide to the Family Educational
1213 Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department
1214 of Education (October 2007), available at

1215 <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.

1216
1217
1218 Date of Adoption: December 12, 2023

Curricular Exemptions
(formerly Exemptions from Instruction)

Mandatory Curricular Exemptions

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

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

Definitions

“Dissection ~~i~~nstruction” is defined as instruction in which a student must participate in, or observe, the dissection of any animal.

“Family ~~L~~ife ~~e~~Education ~~i~~nstruction” is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition and the emotional, physical, psychological, hygienic, economic and social aspects of family life.

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

“Sexual abuse and assault awareness and prevention program” is defined as the state-wide program identified or developed by the Department of Children and Families, in collaboration with the Department of Education and Connecticut Sexual Assault Crisis Services, Inc. (or a similar entity) that includes age-appropriate educational materials designed for children in

#6130.2.2(b)

grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders.

Written Request for Mandatory Exemption

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

Permissive Other Curricular Exemptions

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

Alternative Assignments

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

2. Any student excused from participating in the sexual abuse and assault awareness and prevention program or a firearm safety program shall be provided, during the period of time in

which the student would otherwise be participating in such program, an opportunity for other study or academic work as determined by the teacher.

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

#6130.2.2(e)

Legal References:

Conn. Gen. Stat. § 10-16c.
Conn. Gen. Stat. § 10-16e.
Conn. Gen. Stat. § 10-18c.
Conn. Gen. Stat. § 10-18d.
Conn. Gen. Stat. § 10-19(b).
Conn. Gen. Stat. § 17a-101q.

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

Date of Adoption: April 21, 1998
Date of Revision: October 20, 1998
Date of Revision: November 29, 2022

#6144

Library Collection Development and Maintenance, Library Displays and Programs, and Library Material review and Reconsideration

The Madison Board of Education (the “Board”), having consulted with the Superintendent of Schools for the Madison Public Schools (the “District”), the District’s director of curriculum or a person in an equivalent position, and a librarian employed by the Board, adopts this Policy Regarding Library Collection Development and Maintenance, Library Displays and Programs, and Library Material Review and Reconsideration in accordance with Connecticut law.

It is the policy of the Board to ensure that all District library materials maintained by the District are evaluated and made accessible in accordance with the protections against discrimination set forth in Connecticut law, including, but not limited to, discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, or disability.

Any school library media specialist or school library staff member who, in good faith, implements this policy shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding that results from such implementation.

The Board shall review this policy, and update it as necessary, every five years.

I. Definitions

For the purposes of this policy:

- “*Individual with a vested interest*” means any school staff member employed by the Board, the parent or guardian of a student currently enrolled in a school operated by the Board at the time a request for reconsideration is filed, and any student currently enrolled in a school operated by the Board at the time a request for reconsideration is filed.
- “*Library and other educational material*” means any material belonging to, on loan to or otherwise in the custody of a District school library media center, including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and other material not required as part of classroom instruction.
- “*Remove*” means deliberately taking library material out of a library's collection. The term “*remove*” does not include the process of clearing such collection of any materials that are no longer useful.
- “*School library staff member*” means a school library media specialist, school librarian, any certificated or noncertificated staff member whose assignment is in the school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

II. Library Collection Development and Maintenance

The Board recognizes that library and other educational material should be provided for the interest, information, and enlightenment of all students and should represent a wide range of varied and diverging viewpoints in the collection as a whole.

The Board requires that students have access to age-appropriate and grade-level-appropriate material and shall provide access to library and other educational material that is relevant to the research, independent reading interests, and educational needs of students based on a student's age, development, or grade level. The Board also recognizes the importance of the school library media center as a place for voluntary inquiry, the dissemination of information and ideas, and the promotion of free expression and free access to ideas by students.

The Board acknowledges that a school library media specialist is professionally trained to curate and develop a collection that provides students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational material.

The Board directs the Superintendent to establish a procedure by which a certified school library specialist will continually review library and other educational material within a school library media center using professionally accepted standards, which shall include, but need not be limited to, the material's relevance, the physical condition of the material, the availability of duplicates or copies of the material, the availability of more recent age-appropriate or grade-level-appropriate material, and continued demand for the material (the "Library Review Procedure"). The Library Review Procedure is outlined in the administrative regulations associated with this policy.

III. Library Displays and Programs

The Board recognizes that displays should be provided for the interest, information and enlightenment of all students; represent a wide range of varied and diverging viewpoints; require student access to age-appropriate and grade-level-appropriate content; and provide access to content that is relevant to the research, independent interests, and educational needs of students.

The Board further recognizes the importance of library displays and student programs as resources for voluntary inquiry and the dissemination of information and ideas and to promote free expression and free access to ideas by students.

The Board acknowledges that a school library media specialist is professionally trained to curate and develop displays and programs that provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational material.

IV. Library Material Review and Reconsideration

The purpose of this policy section regarding library material review and reconsideration is to establish a process for individuals with a vested interest to challenge any District library and other educational material, display, or student program, as well as a process for the District to respond to any such challenges and related parameters.

A. Standards for Reviewing Challenges to Library and Other Educational Material, Display, or Student Program

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1. All library materials shall be evaluated and made accessible in accordance with the protections against discrimination set forth in Connecticut law, including, but not limited to, discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, or disability.
 2. Library and other educational material, displays, and student programs shall only be excluded for legitimate pedagogical purposes or for professionally accepted standards of collection maintenance practices, as adopted in this policy and/or any accompanying procedure for the continual review of library and educational material within a school library.
 3. No library and other educational material, display, or program shall be removed from library media centers, or programs be cancelled, because of the origin, background or viewpoints expressed in such material, display, or program, or because of the origin, background, or viewpoints of the creator of such material, display, or program.
 4. The removal, exclusion, or censoring of any book on the sole basis that a person with a vested interest finds such book offensive is prohibited.
 5. Any process for an individual with a vested interest to challenge any library and other educational material, display, or student program shall neither favor nor disfavor any group based on protected characteristics.

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B. Process for Challenging Library and Other Educational Material, Display, or Student Program

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The Board establishes the following process for individuals with a vested interest to challenge any library and other educational material, display, or student program, as well as a process for the District to respond to any such challenges:

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1. An individual with a vested interest may submit a Request for Reconsideration of Library Material Form (the "Request Form") to the principal of the school in which the library and other educational material, display, or student program is being challenged to initiate a review of such material. The Request Form is included in the administrative regulations associated with this policy.

Using the Request Form, an individual shall specify which portion or portions of such material the individual objects to and provide an explanation of the reasons for such objection. The individual submitting the Request Form must include the individual's full legal name, address, and telephone number. If the individual who has submitted a Request Form is a parent or guardian, consideration of requests to reconsider and remove material, displays, or student programs shall be limited to the parents and guardians of students and eligible students currently enrolled in the school or District.
 2. Upon receipt, the principal or the principal's designee shall promptly forward the Request Form to the Superintendent or Superintendent's designee.
 3. The administration may consolidate any requests for review and reconsideration of the same challenged library and other educational material.

- 148 4. For each challenged library and other educational material, the Superintendent, or the
149 Superintendent's designee, shall appoint a Review Committee consisting of:
- 150 a. the Superintendent, or the Superintendent's designee;
 - 151 b. the principal of the school in which the library and other educational material is being
152 challenged, or the principal's designee;
 - 153 c. the director of curriculum, or a person in an equivalent position, employed by the
154 Board;
 - 155 d. a representative from the Board;
 - 156 e. at least one grade-level-appropriate teacher familiar with the library material, provided
157 the teacher selected is not the individual who submitted the Request Form;
 - 158 f. a parent or guardian of a student age thirteen years or younger enrolled in the District,
159 provided the parent or guardian selected is not the individual who submitted the
160 Request Form;
 - 161 g. a parent or guardian of a student age fourteen years or older enrolled in the District,
162 provided the parent or guardian selected is not the individual who submitted the
163 Request Form; and
 - 164 h. a certified school librarian employed by the Board or employed by another board of
165 education in the state.
- 166

167 In cases where the request is submitted by a student enrolled in grades nine through twelve,
168 and when appropriate and at the discretion of the Superintendent, a student enrolled in grades
169 nine through twelve may serve on the Review Committee, provided the student selected is not
170 the individual who submitted the Request for Reconsideration and the Superintendent consults
171 with the principal of the school involved in such reconsideration request prior to making the
172 determination whether to include the student on the Review Committee.

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- 174 5. Any library and other educational material being challenged shall remain available in the school
175 library media center according to such material's catalog record and be available for a student
176 to reserve, check out, or access until a final decision is made by the Review Committee.
- 177
- 178 6. The Review Committee must evaluate the Request Form; read the challenged material in its
179 entirety; evaluate the challenged material against this policy; and make a written decision on
180 whether or not to remove the challenged material not later than sixty (60) school days from the
181 date the Request Form was received by the principal or the principal's designee. The Review
182 Committee shall provide a copy of the committee's decision and report to the individual with a
183 vested interest who submitted the Request Form and to the principal of the school.
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- 185 7. The individual with a vested interest who submitted the Request Form may appeal the Review
186 Committee's decision to the Board. The Board shall determine whether the reconsideration
187 process was followed and publish its decision on the Internet web site of the District.
- 188
- 189 8. Once a decision has been made by the Review Committee on any library and other educational
190 material, such material cannot be subject to a new request for review and reconsideration for a
191 period of three (3) years.
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193 Legal References:

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195 Conn. Gen. Stat. § 10-15c

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197 Public Act No. 25-168, "An Act Concerning the State Budget for the Biennium Ending June
198 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and
199 Other Items Implementing the State Budget."
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#6144 Regulation Library Collection Development and Maintenance, Library Displays and Programs, and Library Material review and Reconsideration

A. LIBRARY REVIEW PROCEDURE

The Library Review Procedure is conducted regularly as the certified Library Media staff audit their collections. This process is designed to weed out outdated materials and maintain a current collection. When collections are moved or condensed across the district, these procedures may involve outside library companies that serve as additional experts in collection updating and procurement.

The following methods and resources are used to develop and maintain the library collections:

- Analyze the collection using collection analysis tools from the library management system.
Running reports that:
 - Assess current publications and specific areas of dated materials
 - Assess the diversity of subjects and genres.
- Review grade-level curriculum to update resources that support curricular needs
- Analyze circulation statistics
- Determine the current demand for the material
- Gather information about student interests and reading trends
- Review professional publications that provide information on library resources, such as: *School Library Journal*, *Booklist*, *Kirkus*
- Utilize book vendor collection analysis development tools
- Identify gaps in the collection that limit response to student queries
- Review publication dates and determine the availability of more recent material
- Examine the physical condition of the material in the collection

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50 B. REQUEST FOR RECONSIDERATION OF LIBRARY MATERIAL
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52 This form may be used by an individual with a vested interest to challenge any library or other
53 educational material, display, or student program in accordance with the Board's Library
54 Collection Development and Maintenance, Library Displays and Programs, and Library
55 Material Review and Reconsideration policy. The form should be completed in its entirety and
56 submitted to the principal of the school in which the library and other educational material is
57 being challenged to initiate a review of such material.
58

59 Full Legal Name of Person Submitting Request:
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62 *Please note that the process for challenging any library and other educational material,*
63 *display, or student program is available only to the following "individuals with a vested*
64 *interest" as defined in the Board's Library Collection Development and Maintenance,*
65 *Library Displays and Programs, and Library Material Review and Reconsideration policy:*

- 66 • *any school staff member employed by the Board ("Staff Member"),*
- 67 • *the parent or guardian of a student currently enrolled in a school operated by the*
68 *Board at the time a request for reconsideration is filed ("Parent/Guardian"), and*
- 69 • *any student currently enrolled in a school operated by the Board at the time a request*
70 *for reconsideration is filed ("Student").*
71

72 Referring to the definitions immediately above, please indicate your role by checking any or
73 all of the following that apply. I am a:
74

75 ☐ Staff Member ☐ Parent/Guardian ☐ Student
76

77 Address:
78
79

80 Telephone Number:
81
82

83 Email Address:
84
85

86 I have read the Board's Library Collection Development and Maintenance, Library Displays
87 and Programs, and Library Material Review and Reconsideration Policy: (check one)
88

89 ☐ Yes
90 ☐ No
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92

93 I am requesting that the following library material(s), display(s), and/or student program(s) be
94 reviewed:

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I am requesting that this material be reviewed because I object to: (check one)

- ☐ The entire material
☐ A specific portion or portions of the material (identify portion(s) below)

I provide the following explanation of the reasons for my objection(s) stated above:

Signature: _____ Date: _____

Received by:

Name: _____
School: _____
Date: _____

#6144.2**Reevaluation of Challenged Instructional Materials
and Library Media Center Resources**

The following procedure is required by the Board of Education of the Madison Public Schools for use in requesting the reevaluation of instructional materials and library media center resources:

The person(s) requesting the reevaluation of materials should ...

1. Contact the building principal who will explain the original selection procedure and provide proper forms for the request for reevaluation, plus copies of reviews of the material in question, when appropriate.
2. When completed forms are returned to the building principal, the material(s) in question will be reviewed by the district's Reevaluation of Challenged Materials Committee, broadly representative of teachers competent in the area of the content covered by the print or nonprint materials, and administrators, directors, and supervisors appropriate to the level and / or subject for which the material is used. A report of its review will be sent to the person requesting reevaluation, the appropriate school principal(s), appropriate library media specialist(s), and the Superintendent of Schools.
3. The building principal's action shall be taken no later than 20 school days after receipt of the request. The requester will be notified of the date of the review at least 10 days before the review.
4. The requesting person may submit a request to the building principal to make an oral presentation of 15 minutes or less to the committee charged with reevaluating the material.
5. A written report from the committee shall be submitted by chairperson of the committee to the person(s) requesting the reevaluation.
6. If the person requesting reevaluation is not satisfied, a written request may be made to the Superintendent of Schools. This request must include copies of the completed request form and the Reevaluation of Challenged Materials Committee's reply, and should indicate the areas of dissatisfaction.
7. Should the decision of the Superintendent not satisfy the person requesting the reevaluation, the Board of Education may hold a special hearing to review the Superintendent's decision. The Board of Education makes the final decision regarding the removal of instructional materials and library media center resources.
8. Once instructional materials have been adopted and reevaluated, the material cannot be subject to further review without special authorization by the Board of Education. Challenged instructional materials shall remain in use in the school pending final decision.

Instruction

6144.2 (Continued)

Do you see any instructional value in the use of this material? _____

In the place of this material would you care to recommend other material which you consider to be of superior quality? _____

Person making request represents: _____
(Individual) (Group or Organization)

Signature Date

Date of Adoption: October 4, 1994

**REQUEST TO REEVALUATE INSTRUCTIONAL
AND LIBRARY MEDIA MATERIALS**

Print Materials

Author _____

Publisher _____

Date of Publication _____

Nonprint Materials

Title _____

Producer _____

Audiovisual Software _____ Computer Software _____

Request initiated by _____

Address _____

City _____ Telephone _____

School(s) in which material is used _____

To what in the material do you object (Please be specific) _____

In your opinion, what harmful effects upon pupils might result from use of this material?

Did you review or examine the material in its entirety? _____

If not, what selections? _____

Parental Access to Instructional Material

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

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

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

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

Legal Reference:

Federal Law:

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

State Law:

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

Public Act ~~253-160~~174, "An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027." ~~Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes."~~

Date of Adoption: December 10, 2024

