

## **Policy Committee Meeting**

Wednesday, April 23, 2025 6:00 PM

BOE Auditorium and via Zoom Meeting Platform, 129 Church Street, Bristol, CT 06010

1. **Call to Order and Pledge of Allegiance**
2. **Approval of Minutes**
3. **Public Comment**
4. **Update on CABE policy audit and recommendations re: 10 mandated policies.**
  1. P5145.44 (a) 4000.1, 4200.1  
Students/Personnel -- Certified/Non-Certified, Sexual Harassment/Title IX, Prohibition of Sex Discrimination and Sexual Harassment In The Workplace
  2. P6171.2 (a) Special Education, preschool special education
5. **Discussion regarding how the committee would like to prioritize updates on mandated policies**
6. **Review and possible action item: Policy 2151 Administration**
7. **Discussion: CABE Model Policy 5114**

The minutes presented within this document are a summary of the discussion that took place at the Policy Committee Meeting. To view the meeting in its entirety please go to: [3/26/25 Policy Meeting Recording](#).



## Policy Committee Meeting Minutes March 26, 2025

A Bristol Board of Education Regular Policy Committee meeting was held on March 26, 2025, in the BoE Auditorium and via the Zoom meeting platform.

**PRESENT:** Committee members: Jill Fitzsimons-Bula, Maria Simmons, Shelby Pons

**ALSO, PRESENT** Commissioners: Kristen Giantonio, Jennifer Van Gorder, Acting Superintendent Iris White, Acting Deputy Mary Hawk

**1. Call to Order:**

The meeting was called to order at 6:00 P.M.

**2. Approval of Minutes:**

On a motion by Commissioner Fitzsimons-Bula and seconded by Commissioner Simmons, the February 26, 2025, minutes were approved.

**3. Public Comment:**

There was no public comment this evening.

**4. Discussion and Possible Action on Policy 5145.123 (a) - Search and Seizure Use of Metal Detecting Devices:**

The language of this policy was approved by both high school administrators and the Director of Security, Steve Cabellus. The policy was also vetted by the Board Atty. and it is deemed a legally sound policy. The rollout will first be at the high schools, starting with a pilot program at BE and then moving to BC. After the two high schools, it will then be rolled out to the middle schools. On a motion by Commissioner Fitzsimons-Bula and seconded by Commissioner Simmons, this Policy will be moved to the full board for approval.

**5. Discussion and Possible Action on Policy 5145.12 - Search and Seizure:**

The language of this policy was approved by both high school administrators and the Director of Security, Steve Cabellus. The policy was also vetted by the Board Atty. and it is deemed a legally sound policy. The rollout will first be at the high schools, starting with a pilot program at BE and then moving to BC. After the two high schools, it will then be

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rolled out to the middle schools. On a motion by Commissioner Fitzsimons-Bula and seconded by Commissioner Simmons, this Policy will be moved to the full board for approval.

**6. Review Policy 2141 - Recruitment and Appointment of Superintendent:**

After discussion, this item will be further discussed with the Board Commissioners to get their final feedback on the current language and/or if they would like to add additional language to Policy 2141.

**7. Review and possible action item: CABE's model policy 9160 (a) Student Representatives on the Board of Education:**

Commissioner Simmons spoke to this topic and the support for Student Representatives. However, it hasn't been operationalized, and she needs to get more feedback from the Board Commissioners and administrators. Commissioner Simmons will take the lead on this topic and continue to research and bring back to the committee with more information.

**8. Review and possible action item: Policy 2151 Administration:**

This Policy is separate from 2100 with the difference being adding language from CABE specifically for non-union central office district level administrators. This item needs further discussion, such as do we need a hybrid policy or can language be added to 2100. This will be brought back for a review next month with possible action.

**9. Discussion: CABE Model Policy 5114:**

On a motion by Commissioner Fitzsimons-Bula and seconded by Commissioner Simmons, this discussion item will be moved to next month's meeting agenda.

**10. Adjournment:**

Commissioner Fitzsimons-Bula adjourned the Policy Committee meeting at 6:58 p.m.

Submitted by:

***Michelle L. Crowley***

Recording Secretary

Bristol Board of Education

# Connecticut School Climate Policy

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This Connecticut School Climate Policy was developed by the Connecticut Association of Boards of Education (CABE) with technical and substantive guidance from the Commission on Women, Children, Seniors, Equity & Opportunity (CWCSEO) and other members of the statewide Social Emotional Learning and School Climate Collaborative.<sup>1</sup>

The policy was developed to provide districts guidance on recent revisions to Connecticut's school climate law, Public Act 23-167. In accordance with [Public Act 23-167, An Act Concerning Transparency in Education](#), for the school years commencing July 1, 2023, and July 1, 2024, each local and regional board of education **may adopt** and implement the Connecticut School Climate Policy, in lieu of implementing the provisions of sections 10-222d, 10-222g to 10-222i, inclusive, 10-222k and 10-222p of the general statutes.

For the school year commencing July 1, 2025, and each school year thereafter, **each local and regional board of education shall adopt** and implement the Connecticut School Climate Policy.

This policy **does not modify or eliminate** any rights or obligations under state and federal laws, including any constitutional and civil rights protections or any other applicable policies and procedures or collective bargaining agreements.

**December 2023**

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<sup>1</sup> Chapter 170 – Boards of Education (ct.gov)

*A mandated policy.*

## **Students**

### **Connecticut School Climate Policy**

#### **Policy Statement**

All schools must support and promote teaching and learning environments where all students thrive academically and socially, have a strong and meaningful voice, and are prepared for lifelong success.

Implementation of the following set of guiding principles and systemic strategies will promote a positive school climate, which is essential to achieving these goals.

This policy sets forth the framework for an effective and informed school climate improvement process, which includes a continuous cycle of (i) planning and preparation, (ii) evaluation, (iii) action planning, and (iv) implementation, and serves to actualize the Connecticut School Climate Standards, as detailed herein.

The Board recognizes that improving school climate is contextual. Each school needs to consider its history, strengths, needs, and goals. Furthermore, this policy will support and promote the development of restorative action plans that will create and sustain safe and equitable learning environments.

The \_\_\_\_\_ District Board of Education adopts this policy.

#### **Definitions**

1. **“School climate”** means the quality and character of the school life, with a particular focus on the quality of the relationships within the school community, and which is based on patterns of people's experiences of school life and that reflects the norms, goals, values, interpersonal relationships, teaching, learning, leadership practices and organizational structures within the school community.
2. **“Positive Sustained School Climate”** is the foundation for learning and positive youth development and includes:
  - a. Norms, values, and expectations that support people feeling socially, emotionally, culturally, racially, intellectually, and physically safe.
  - b. People who treat one another with dignity and are engaged, respected and solve problems restoratively.
  - c. A school community that works collaboratively together to develop, live, and contribute to a shared school vision.
  - d. Adults who model and nurture attitudes that emphasize the benefits and satisfaction gained from learning; and
  - e. A school community that contributes to the operations of the school and the care of the physical environment.

## Students

### Connecticut School Climate Policy

#### Definitions (continued)

3. **“Social and emotional learning”** means the process through which children and adults achieve emotional intelligence through the competencies of self-awareness, self-management, social awareness, relationship skills and responsible decision-making.
4. **“Emotional intelligence”** means the ability to (A) perceive, recognize, and understand emotions in oneself or others, (B) use emotions to facilitate cognitive activities, including, but not limited to, reasoning, problem solving and interpersonal communication, (C) understand and identify emotions, and (D) manage emotions in oneself and others.
5. **“Bullying”** means unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.
6. **“School environment”** means a school-sponsored or school-related activity, function or program, whether on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased or used by a local or regional board of education, and may include other activities, functions or programs that occur outside of a school-sponsored or school-related activity, function or program if bullying at or during such other activities, functions or programs negatively impacts the school environment.
7. **“Cyberbullying”** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any other electronic communication.
8. **“Teen dating violence”** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.
9. **“Mobile electronic device”** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk or equipment on which digital images are taken or transmitted.
10. **“Electronic communication”** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system.

## Students

### Connecticut School Climate Policy

#### Definitions (continued)

11. **“School climate improvement plan”** means a building-specific plan developed by the school climate committee, in collaboration with the school climate specialist, using school climate survey data and any other relevant information, through a process that engages all members of the school community and involves such members in a series of overlapping systemic improvements, school-wide instructional practices and relational practices that prevent, identify and respond to challenging behavior, including, but not limited to alleged bullying and harassment in the school environment.
12. **“Restorative practices”** means evidence and research-based system-level practices that focus on (A) building high-quality, constructive relationships among the school community, (B) holding each student accountable for any challenging behavior, and (C) ensuring each such student has a role in repairing relationships and reintegrating into the school community.
13. **“School climate survey”** means a research-based, validated and developmentally appropriate survey administered to students, school employees and families of students, in the predominant languages of the members of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan.
14. **“Connecticut school climate policy”** means the school climate policy developed, updated and approved by an association in the state that represents boards of education and adopted by the Social and Emotional Learning and School Climate Advisory Collaborative, established pursuant to section 10-222q of the general statutes, as amended by this act, that provides a framework for an effective and democratically informed school climate improvement process that serves to implement Connecticut school climate standards, and includes a continuous cycle of (A) planning and preparation, (B) evaluation, (C) action planning, and (D) implementation.
15. **“School employee”** means (A) a teacher, substitute teacher, administrator, school superintendent, school counselor, school psychologist, social worker, school nurse, physician, paraeducator or coach employed by a local or regional board of education, or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public school, pursuant to a contract with a local or regional board of education.
16. **“School community”** means any individuals, groups, businesses, public institutions and nonprofit organizations that are invested in the welfare and vitality of a public school system and the community in which it is located, including, but not limited to, students and their families, members of the local or regional board of education, volunteers at a school and school employees.

## Students

### Connecticut School Climate Policy

#### Definitions (continued)

17. **“Challenging behavior”** means behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.
18. **“Evidence Based Practices”** in education refers to instructional and school-wide improvement practices that systematic empirical research has provided evidence of statistically significant effectiveness.
19. **“Effective School Climate Improvement”** is a restorative process that engages all stakeholders in the following six essential practices:
  - A. Promoting decision-making that is collaborative and actively involves all stakeholders (e.g., school personnel, students, families, community members) with varied and meaningful roles and perspectives where all voices are heard;
  - B. Utilizing psychometrically sound quantitative (e.g., school climate survey, discipline data) and qualitative (e.g., interviews, focus groups) data to drive action planning, preventive and intervention practices and implementation strategies that continuously improve all dimensions of school climate, including regularly collecting data to evaluate progress and inform the improvement process;
  - C. Tailoring improvement goals to the unique needs of the students, educators, and broader school community. These goals shall be integrated into overall school improvement efforts thereby leveraging school strengths to address evidence-based areas of need, while sustaining the improvement process over time;
  - D. Fostering adult learning in teams and/or professional learning communities to build capacity building among school personnel and develop common staff skills to educate the whole child;
  - E. Basing curriculum, instruction, student supports, and interventions on scientific research and grounding in cognitive, social-emotional, and psychological theories of youth development. Interventions include strength-based programs and practices that together represent a comprehensive continuum of approaches to promote healthy student development and positive learning environments as well as address individual student barriers to learning and adult barriers to teaching; and
  - F. Strengthening policies and procedures related to:
    - a. climate and restorative informed teaching and learning environments;
    - b. infrastructure to facilitate data collection, analysis, and effective planning;
    - c. implementation of school climate improvement plans with the goal of becoming restorative;
    - d. evaluation of the school climate improvement process; and
    - e. sustainability of school climate and restorative improvement efforts.

## **Students**

### **Connecticut School Climate Policy (continued)**

#### **School Climate Coordinator Roles and Responsibilities**

For the school year commencing July 1, 2025, and each school year thereafter, the superintendent of schools for each school district, or an administrator appointed by the superintendent, shall serve as the school climate coordinator for the school district.

The school climate coordinator shall be responsible for:

1. providing district-level leadership and support for the implementation of the school climate improvement plan for each school;
2. collaborating with the school climate specialist, for each school to (A) develop a continuum of strategies to prevent, identify and respond to challenging behavior, including, but not limited to, alleged bullying and harassment in the school environment, and (B) communicate such strategies to the school community, including, but not limited to, through publication in the district student handbook;
3. collecting and maintaining data regarding school climate improvement, including, but not limited to, school discipline records, school climate assessments, attendance rates, social and emotional learning assessments, academic growth data, types and numbers of alleged and verified bullying complaints submitted by members of the school community, types and numbers of challenging behaviors addressed using the restorative practices response policy, and data concerning the implementation and outcome of restorative practices; and
4. meeting with the school climate specialist for each school at least twice during the school year to (A) identify strategies to improve school climate, including, but not limited to, by responding to challenging behavior and implementing evidence and research-based interventions, such as restorative practices, (B) propose recommendations for revisions to the school climate improvement plan, and (C) assist with the completion of the school climate survey.

#### **School Climate Specialist**

For the school year commencing July 1, 2025, and each school year thereafter, the principal of each school, or a school employee who holds professional certification pursuant to section 10-145 of the general statutes, is trained in school climate improvement or restorative practices and is designated as the school climate specialist by the school principal, shall serve as the school climate specialist for the school.

The school climate specialist shall be responsible for:

1. leading in the prevention, identification, and response to challenging behavior, including, but not limited to, reports of alleged bullying and harassment;

## **Students**

### **Connecticut School Climate Policy**

#### **School Climate Specialist** (continued)

2. implementing evidence and research-based interventions, including, but not limited to, restorative practices;
3. scheduling meetings for and leading the school climate committee; and
4. leading the implementation of the school climate improvement plan.

#### **School Climate Committee**

For the school year commencing July 1, 2025, and each school year thereafter, each school climate specialist shall appoint members to the school climate committee who are diverse, including members who are racially, culturally, and linguistically representative of various roles in the school community.

The school climate committee shall consist of:

1. the school climate specialist;
2. a teacher selected by the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b of the general statutes;
3. a demographically representative group of students enrolled at the school, as developmentally appropriate;
4. families of students enrolled at the school; and
5. at least two members of the school community, as determined by the school climate specialist.

Membership of the school climate committee shall be annually reviewed and approved by the school climate specialist, in coordination with the school climate coordinator.

The school climate committee shall be responsible for:

1. assisting in the development, annual scheduling, and administration of the school climate survey, and reviewing of the school climate survey data.
2. using the school climate survey data to identify strengths and challenges to improve school climate, and to create or propose revisions to the school climate improvement plan.

## **Students**

### **Connecticut School Climate Policy**

#### **School Climate Committee** (continued)

3. assisting in the implementation of the school climate improvement plan and recommending any improvements or revisions to the plan.
4. advising on strategies to improve school climate and implementing evidence and research-based interventions, including, but not limited to, restorative practices, in the school community.
5. annually providing notice of the uniform challenging behavior and/or bullying complaint form, or similar complaint form used by the school, to the school community.

#### **School Climate Survey**

For the school year commencing July 1, 2025, and biennially thereafter, the school climate committee, for each school, shall administer a school climate survey to students, school employees and families of students, provided the parent or guardian of each student shall receive prior written notice of the content and administration of such school climate survey and shall have a reasonable opportunity to opt such student out of such school climate survey.

#### **School Climate Improvement Plan**

For the school year commencing July 1, 2025, and each school year thereafter, the school climate specialist, for each school, in collaboration with the school climate coordinator, shall develop, and update as necessary, a school climate improvement plan. Such plan shall be based on the results of the school climate survey, any recommendations from the school climate committee, including the protocols, supports, and any other data the school climate specialist and school climate coordinator deem relevant. Such plan shall be submitted to the school climate coordinator for review and approval on or before December thirty-first of each school year. Upon approval of such plan, a written or electronic copy of such plan shall be made available to members of the school community and such plan shall be used in the prevention of, identification of and response to all challenging behavior.

Additionally, districts may place the school climate improvement plans into their district and school improvement plans.

#### **Training**

For the school year commencing July 1, 2024, and each school year thereafter, each local and regional Board of Education shall provide resources and training to school employees regarding:

1. social and emotional learning;
2. school climate and culture and evidence and research-based interventions; and
3. restorative practices.

## **Students**

### **Connecticut School Climate Policy**

#### **Training** (continued)

Such resources and training may be made available at each school under the jurisdiction of such board and include technical assistance in the implementation of a school climate improvement plan. Any school employee may participate in any such training offered by the board under this section. The school climate coordinator, shall select, and approve, the individuals or organizations that will provide such training.

#### **Funding**

The school district shall in its discretion allocate sufficient funding to satisfy the requirements of this policy for all schools in the district. Such funding shall be distributed accordingly, with Superintendent approval, for assessments and professional development, as well as for school community outreach, training, and technical assistance.

#### **Accountability**

The Board shall adopt and allocate adequate resources to support the Connecticut School Climate Policy and adhere to state regulations set forth in Public Act 23-167.

### **Connecticut School Climate Standards**

1. The school district community<sup>2</sup> has a shared vision and plan for promoting and sustaining a positive school climate<sup>3</sup> that focuses on prevention, identification, and response to all challenging behavior<sup>4</sup>.
2. The school district community adopts policies that promote:
  - a. a sound school environment that develops and sustains academic, social, emotional, ethical, civic, and intellectual skills; and
  - b. a restorative school environment focused on overcoming barriers to teaching and learning by building and supporting meaningful school-wide relationships, and intentionally re-engaging any disengaged students, educators, and families of students in the school community.

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<sup>2</sup> School Community means any individuals, groups or businesses, public institutions and nonprofit organizations invested in the welfare and vitality of a public school system and the community in which it is located, including, but not limited to, students and their families, members of the local or regional board of education, volunteers at a school and school employees.

<sup>3</sup> School climate means the quality and character of the school life, with a particular focus on the quality of relationships within the school community, and which is based on patterns of people's experiences of school life, and that reflects the norms, goals, values and interpersonal relationships, teaching, learning, leadership practices and organizational structures within the school community.

<sup>4</sup> Challenging behavior means behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.

## **Students**

### **Connecticut School Climate Policy**

#### **Connecticut School Climate Standards** (continued)

3. The school community's practices are identified, prioritized, and supported to:
  - a. promote learning and the positive academic, social, emotional, ethical, and civic development of students;
  - b. enhance engagement in teaching, learning, and school-wide activities;
  - c. address barriers to teaching and learning; and
  - d. develop and sustain a restorative infrastructure that builds capacity, accountability, and sustainability.
4. The school community creates a school environment<sup>5</sup> where *everyone* is safe, welcomed, supported, and included in all school-based activities.
5. The school community creates a restorative system that cultivates a sense of belonging through norms and activities that promote social and civic responsibility, and a dedication to cultural responsiveness, diversity, equity, and inclusion.

Legal Reference: Connecticut General Statutes  
10-222d Policy on bullying behavior as amended by PA 08-160, P.A. 11-232, P.A. 14-172 and PA 18-15 and PA 19-166.  
10-222g Prevention and intervention strategy re bullying and teen dating violence  
10-222h Analysis of school districts' efforts re prevention of and response to bullying in schools. School climate assessment instruments  
10-222i State-wide safe school climate resource network. [*Repealed, Effective 7/1/2025 State-wide safe school climate resource network*]  
10-222k District safe school climate coordinator. Safe school climate specialist. Safe school climate committee (as amended by PA 21-95, Section 14)  
10-222p Review of safe school climate plans by Department of Education. Approval or rejection.  
PA 23-167 An Act Concerning Transparency in Education

Policy adopted:  
cps 11/23

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<sup>5</sup> School environment means a school-sponsored or school-related activity, function or program, whether on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased or used by a local or regional board of education, and may include other activities, functions or programs if bullying at or during such other activities, functions, or programs negatively impacts the school environment.

## Challenging Behavior Reporting Form

This form is not required by law or policy but serves as a model challenging behavior reporting form that local and regional boards of education may adapt and adopt.

### Instructions

This form is for **students, parents or guardians of students enrolled in the school, and school employees** to report any alleged challenging behavioral incidents. Challenging behavior is behavior that negatively impacts school climate or interferes, or is at risk with interfering, with the learning or safety of a student or the safety of a school employee. This form should also be used to report alleged bullying incidents, meaning: unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

Complete this form electronically, or in writing, or go to your school climate specialist (principal, vice principal, or other certified administrator) who will assist you with completing this form. All completed reports require a response from the school climate specialist, and every student, parent or guardian, and school employee **who completed this form** will receive a copy of the "Response Process(es) Notification Form" describing the action steps taken, within three (3) school business days after an assessment has been completed.

The school climate specialist will assess the facts of a challenging behavior incident and complete the "Response Process(es) Notification Form" (located on page 5 of this document). A confirmation of receipt of the "challenging behavior reporting form" will be provided to the individual who completed this form within **three (3) school business days**, and the behavioral assessment will be finalized within a reasonable amount of time.

**If this is an emergency, and you feel that you or someone else is in imminent danger, please call 911, or your municipal police department.**

Name: First \_\_\_\_\_ Last \_\_\_\_\_ or check here  for any **student** who would like to submit anonymously.

I am a:  Student,  Parent and/or Guardian or  School Employee

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact me by:  Phone  Email

Was this previously reported to any school employee prior to this report? If yes, identify to whom, when, and what was reported? \_\_\_\_\_

Where did the incident occur? \_\_\_\_\_

Check any boxes that apply.

- |                                                                                |                                                    |
|--------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> On school property                                    | <input type="checkbox"/> On a school bus           |
| <input type="checkbox"/> At a school-sponsored activity or off school property | <input type="checkbox"/> On the way to/from school |
| <input type="checkbox"/> Electronic communication, internet, and social media  | <input type="checkbox"/> Outside of school         |
|                                                                                | <input type="checkbox"/> Other _____               |

Approximate date of incident (if known): \_\_\_\_\_

This form does not modify or eliminate any rights or obligations under state and federal laws, including, any constitutional and civil rights protections, or any applicable policies and procedures or collective bargaining agreements. All students' private and personal information will remain confidential throughout this process, subject to any wavier rights or disclosure responsibilities as permitted or required by law.

Please note: when a student exhibits challenging behavior, our priority is to ensure the safety of the students and the school, and to work with the student(s) to prevent the recurrence of such behavior, including making amends for any challenging behaviors that occurred. Federal law protects the privacy of each student. Therefore, you cannot be provided with any specific information concerning the student alleged to have engaged in the challenging behavior.

Please describe what happened?

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Of the following statement(s) check any that may describe or include what happened:

- |                                                                                                                                        |                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Teasing, name-calling, intimidating, or threatening, in person or through electronic communication            | <input type="checkbox"/> Making intimidating, and/or threatening gestures or remarks        |
| <input type="checkbox"/> Spreading rumors or gossip                                                                                    | <input type="checkbox"/> Getting another person to do any of the behaviors listed above     |
| <input type="checkbox"/> Hitting, kicking, shoving, spitting, hair pulling, or throwing something or other acts of physical aggression | <input type="checkbox"/> Unwanted contact of a sexual nature (verbal, non-verbal, physical) |

Do you believe that the reported instance(s) of challenging behavior was in reference to a student's perceived or actual age, ancestry, color, learning disability, marital status, intellectual disability, national origin, physical disability, mental disability, race, religious creed, sex, gender identity or expression, sexual orientation, and status as a veteran? If so, why?

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If known, provide the name(s) of any witness(es) of the alleged incident: \_\_\_\_\_

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Date form submitted: \_\_\_\_\_

**\*For school climate specialist use only:**

Date received by school climate specialist: \_\_\_\_\_

Signature of receipt by school climate specialist: \_\_\_\_\_

This form does not modify or eliminate any rights or obligations under state and federal laws, including, any constitutional and civil rights protections, or any applicable policies and procedures or collective bargaining agreements. All students' private and personal information will remain confidential throughout this process, subject to any wavier rights or disclosure responsibilities as permitted or required by law.

Please note: when a student exhibits challenging behavior, our priority is to ensure the safety of the students and the school, and to work with the student(s) to prevent the recurrence of such behavior, including making amends for any challenging behaviors that occurred. Federal law protects the privacy of each student. Therefore, you cannot be provided with any specific information concerning the student alleged to have engaged in the challenging behavior.

## Investigation Form

The purpose of this form is to provide a streamlined process to assess reported instances of challenging behavior.

This form is to be completed by the school climate specialist within a reasonable amount of time. Pursuant to the Federal Education Confidentiality Law (FERPA), students, parents or guardians, and school employees that completed the challenging behavior reporting form **cannot** receive a copy of this "Investigation Form" but will be provided with a copy of the "Response Process(es) Notification Form" after an assessment is completed.

Date "Challenging Behavior Reporting Form" received: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Name of school climate specialist who received the report: \_\_\_\_\_

Were these events already reported to any school employee? If yes, please identify to whom, when, and what was reported \_\_\_\_\_

Name of school community member who is reporting the incident: (student, parent or guardian, school or district employee, bystander, anonymous): \_\_\_\_\_

Name of student or students who were allegedly subjected to the challenging behavior: \_\_\_\_\_

Name of person or persons who allegedly engaged in the challenging behavior: \_\_\_\_\_

Where did the alleged incident occur? \_\_\_\_\_

Date and time alleged incident occurred: (if known): \_\_\_\_\_

Description of the alleged incident: \_\_\_\_\_

What investigative processes occurred? Answer all of the following questions below. A single incident may require an assessment into multiple areas. Please check all that apply.

Was this investigated as bullying? YES  NO

Was this a verified act of bullying? YES  NO

Was this investigated as cyberbullying? YES  NO

Was this a verified act of cyberbullying? YES  NO

Was this investigated as teen dating violence? YES  NO

Was this verified teen dating violence? YES  or NO

Was this investigated as an assault? YES  NO

Was this a verified assault? YES  or NO

Was this investigated as an act of physical violence?

YES  NO

Was this a verified act of physical violence?  
YES  or NO

Was this investigated as a protected class violation/  
harassment? YES  NO

Was this a verified protected class violation/harassment?  
YES  NO

Was this investigated as a Title IX violation? YES  NO

Was this a verified Title IX violation? YES  or NO

Was this a verified act of challenging behavior not listed  
above? YES  NO

This form does not modify or eliminate any rights or obligations under state and federal laws, including, any constitutional and civil rights protections, or any applicable policies and procedures or collective bargaining agreements. All students' private and personal information will remain confidential throughout this process, subject to any wavier rights or disclosure responsibilities as permitted or required by law.

Please note: when a student exhibits challenging behavior, our priority is to ensure the safety of the students and the school, and to work with the student(s) to prevent the recurrence of such behavior, including making amends for any challenging behaviors that occurred. Federal law protects the privacy of each student. Therefore, you cannot be provided with any specific information concerning the student alleged to have engaged in the challenging behavior.

What was the response by the school climate specialist? (E.g., utilization of restorative practices, school-based threat assessment, safety plan, student support services) Additionally, provide the date of each response.

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If applicable, please provide any additional notes, observations, or actions taken as a result of this incident:

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Signature or E-signature of responding school climate specialist: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date of response: \_\_\_\_\_

This form does not modify or eliminate any rights or obligations under state and federal laws, including, any constitutional and civil rights protections, or any applicable policies and procedures or collective bargaining agreements. All students' private and personal information will remain confidential throughout this process, subject to any wavier rights or disclosure responsibilities as permitted or required by law.

Please note: when a student exhibits challenging behavior, our priority is to ensure the safety of the students and the school, and to work with the student(s) to prevent the recurrence of such behavior, including making amends for any challenging behaviors that occurred. Federal law protects the privacy of each student. Therefore, you cannot be provided with any specific information concerning the student alleged to have engaged in the challenging behavior.

## Response Process(es) Notification Form

The purpose of this form is to provide a template for transparency and accountability to a person(s) that submit(s) a report of challenging behavior.

The school climate specialist will complete and submit this form within three (3) school business days **after an assessment has been finalized** and submit it to the student(s), parent(s), or guardian(s), and/or school employee(s) who completed the "Challenging Behavior Reporting Form".

Describe the steps taken to address and prevent future instance(s) of challenging behavior(s). Responses may include:

- utilization of restorative practices;
- the completion of a school-based threat assessment;
- safety plan for student(s) involved in the instance of alleged challenging behavior;
- student support services;

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Signature or E-signature of school climate specialist: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date completed: \_\_\_\_\_

## Definitions and Clarifying Terms

***Restorative Practices:*** Evidence and research-based system-level practices that focus on (A) building high-quality, constructive relationships among the school community, (B) holding each student accountable for any challenging behavior, and (C) ensuring each such student has a role in repairing relationships and reintegrating into the school community.

***School Based Threat Assessment:*** An evidence-based systematic evaluation process used to prevent violence, help troubled students, and avoid over-reactions to challenging behavior.

This form does not modify or eliminate any rights or obligations under state and federal laws, including, any constitutional and civil rights protections, or any applicable policies and procedures or collective bargaining agreements. All students' private and personal information will remain confidential throughout this process, subject to any wavier rights or disclosure responsibilities as permitted or required by law.

Please note: when a student exhibits challenging behavior, our priority is to ensure the safety of the students and the school, and to work with the student(s) to prevent the recurrence of such behavior, including making amends for any challenging behaviors that occurred. Federal law protects the privacy of each student. Therefore, you cannot be provided with any specific information concerning the student alleged to have engaged in the challenging behavior.

**New Flexibility in Professional Standards for Personnel in School Nutrition Programs**  
***(Background Information for Policy Review Committee)***

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The United States Department of Agriculture (USDA) previously established minimum professional standards requirements for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs. This “Final Rule” became effective July 1, 2015 and was amended by a new “Final Rule” which became effective April 30, 2019.

This has been further amended by another new “Final Rule 84 FR 6953, Hiring Flexibility Under Professional Standards.” This new rule added flexibilities to the hiring standards for new school nutrition program directors (food service directors) of USDA Child Nutrition Programs in small districts with 2,499 or fewer students. Local districts, of the aforementioned size, considering implementing the new flexibilities must receive prior approval from the Connecticut State Department of Education (CSDE).

The standards, a provision of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), aim to institute minimum education standards for new State and local school nutrition directors as well as annual training standards for all school nutrition professionals. These standards, as amended, aim to ensure school nutrition personnel have the knowledge, training, and tools they need to plan, prepare, and purchase healthy products to create nutritious, safe, and enjoyable school meals. The previous final rule:

- Creates minimum hiring standards for new school food authority (SFA) directors based on a school district’s size;
- Establishes minimum hiring standards for new State directors of school nutrition programs and State directors of distributing agencies; and
- Requires minimum annual training for all new and current school nutrition professionals.

**Training Standards for All School Nutrition Program Employees (All Local Educational Agency Sizes)**

**1. All Directors**

At least **12** hours of annual continuing education/training. This required continuing education/training is in addition to the food safety training required in the first year of employment.

**2. All Managers**

At least **10** hours of annual continuing education/training.

**3. All Other Staff**

At least **6** hours of annual continuing education/training.

**4. Part-time Staff**

Each year, at least **4** hours of annual continuing education/training, regardless of the number of part-time hours worked.

If hired January 1 or later, an employee must only complete half of the above required hours.

## **New Flexibility in Professional Standards for Personnel in School Nutrition Programs**

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New directors, hired on or after April 30, 2019, are subject to the education requirements below. Existing directors will be grandfathered in their current positions as well as in the Student Enrollment category where they currently are working. (School Nutrition Program Directors are the individuals responsible for the operation of school nutrition programs for all schools under the Local Educational Agency (LEA).)

### **Minimum Requirements for Directors (new directors only)**

#### **Student Enrollment of 2,499 or Less**

Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, **OR** Bachelor's degree or equivalent educational experience, with any academic major area of concentration, **and** either a State-recognized certificate for school nutrition directors or at least one (1) year of relevant food service experience; **OR** Associate's degree or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, **and** at least **1** year of relevant school nutrition programs experience; **OR** High school diploma (or GED) **and** at least **3** years of relevant food service experience.

A district with a student enrollment of 2,499 or fewer students, according to the new Final Rule's flexibility, may accept, subject to the prior approval of the CSDE, relevant food service experience as a substitute for the food school nutrition experience listed above, when hiring new school nutrition program directors. The CSDE may consider volunteer or unpaid work as relevant food service experience. An applicant with paid and/or unpaid experience managing the food service at a healthcare facility, restaurant, civic/community organization, or other type of establishment could be considered for a director's position, provided the applicant also has the required education.

For an LEA with less than 500 students, the State agency may approve a candidate who meets the educational standards but has less than the required 3 years' experience.

The new flexibilities' rationale is to expand the pool of candidates eligible to serve in smaller school nutrition programs. However, the school program directors must be able to perform all necessary duties to ensure compliance with the numerous federal and state regulation which are complicated and specific.

Districts, with 2,499 students or less, when hiring program directors should seek individuals with applicable substitute experience in congregate meal operations, such as:

- Large scale food production ordering;
- Menu and meal planning for youth;
- Managing and scheduling staff;
- Budgeting for staff, equipment and food;
- Accurate forecasting;
- Maintaining detailed eligibility determinations; and
- Ensuring detailed food and meal production standards.

## **New Flexibility in Professional Standards for Personnel in School Nutrition Programs**

~Page 3~

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None of the new flexibilities apply to districts with student populations greater than 2,499 students.

The newest Final Rule allows the CSDE to approve a districts use of the nonprofit food service account to pay the salaries of a school nutrition program director who does not meet the hiring standards.

### **Student Enrollment between 2,500 and 9,999** *(no change from that previously reported)*

Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, **OR** Bachelor's degree or equivalent educational experience, with any academic major or area of concentration, **and** a State-recognized certificate for school nutrition directors; **OR** Bachelor's degree in any academic major **and** at least **2** years of relevant school nutrition program experience; **OR** Associate's degree or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, **and** at least **2** years of relevant school nutrition program experience.

### **Student Enrollment of 10,000 or More**

Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, **OR** Bachelor's degree or equivalent educational experience, with any academic major or area of concentration, **and** a State-recognized certificate for school nutrition directors; **OR** Bachelor's degree in any major **and** at least of **5** years' experience in management of school nutrition programs.

At least 1 year of management experience, preferably in school nutrition is strongly recommended. At least 3 credit hours at the university level in food services management plus at least 3 credit hours in nutritional sciences at time of hiring strongly preferred.

### **Minimum Prior Training Standards**

At least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 days of the employee's start date.

The USDA also established minimum professional standards requirements, regarding training and hiring standards, for state directors of school nutrition programs. These are not applicable at the local district level and are not discussed in this overview.

### **Policy Implications**

Policy, #3542.41, "Professional Standards for Food Service Personnel," and an accompanying administrative regulation pertain to this topic.

**January 2020**

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*A mandated policy to consider.*

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

The Board of Education (Board) recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. Therefore the Board provides a food service program for { } school breakfasts; { } school lunches that meet the dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010, as periodically amended, and applicable state laws and regulations.

This service shall be under the supervision of the Food Services Director who shall be responsible to the { } Superintendent { } Business Manager/Director of Finance { } Assistant Superintendent. The Food Services Director shall be hired under specific job specifications and approved by the Board.

The Board shall comply with the minimum professional standards for school nutrition personnel who manage and operate the National School Lunch and School Breakfast Programs which are contained in the regulations to the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111-296. These regulations, effective July 1, 2015, as amended, effective April 30, 2019, establish hiring standards for the selection of State and local school nutrition program directors, and requires all personnel in the school nutrition programs to complete annual continuing education/training.

The Board believes that the fulfillment of these professional standards for food service personnel will result in consistent, national professional standards that strengthen the ability of school nutrition professionals and staff to perform their duties effectively and efficiently. Requiring proper qualifications to serve in the District's Child Nutrition Programs is expected to improve the quality of school meals, reduce errors, and enhance Program integrity.

Flexibility for districts with 2,499 students or less, subject to the prior approval of the Connecticut State Department of Education (CSDE), allows such districts to accept food service experience as a substitute for school nutrition experience when hiring new school nutrition program directors. This shall include volunteer or unpaid work as relevant food service experience.

The Superintendent is directed to develop administrative regulations which detail the required hiring standards and continuing education training for all District food service personnel.

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

Legal Reference: Connecticut General Statutes  
10-215 Lunches, breakfasts and other feeding programs for public school children and employees.  
10-215a Nonpublic school and nonprofit agency participation in feeding programs.  
10-215b Duties of State Board of Education re feeding programs.  
10-216 Payment of expenses.  
10-217 State Board of Education Regulations.  
10-215b-1 School lunch and nutrition programs.  
10-215b-11 Requirement for meals.  
10-215b-12 Reimbursement payments. (including free and reduced price meals)  
Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.  
School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.  
National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.  
42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).  
Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).  
Federal Register (80 Fed No 40) Professional Standards for State and Local Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010, as amended effective 4/30/19.  
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751.  
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.  
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001).  
U.S. Department of Agriculture (USDA) Final Rule 84 FR6953

#### **Policy adopted:**

cps 1/16  
rev 3/19  
rev 1/20

*Sample regulation to consider.*

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111-296 requires significant changes in the Child Nutrition Programs to prevent and reduce childhood obesity, give eligible children access to nutrition benefits, and enhance the ability of nutrition professionals to operate the National School Lunch Program (NSLP) and School Breakfast Program (SBP) efficiently. Section 306 of the HHFKA amended section 7 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1776) by adding “Professional Standards for School Food Service.” This provision is intended to ensure that school nutrition professionals that manage and operate the NSLP and SBP have adequate knowledge and training to meet Program requirements. Requiring proper qualifications to serve in the Child Nutrition Programs is expected to improve the quality of school meals, reduce errors, and enhance Program integrity.

#### **Definitions:**

*School food authority (SFA)* is the local governing body that has the legal authority to operate the school meal programs.

*School nutrition program directors* are those individuals directly responsible for the management of the day-to-day operations of school food service for all participating schools under the jurisdiction of the school food authority.

*School nutrition program managers* are those individuals directly responsible for the management of the day-to-day operations of school food service for a participating school(s).

*School nutrition program staffs* are those individuals, without managerial responsibilities, involved in day-to-day operations of school food service for a participating school(s).

#### **School Nutrition Program Professional Standards**

School food authorities that operate the National School Lunch Program or the School Breakfast Program must establish and implement professional standards for school nutrition program directors, managers, and staff.

#### **Minimum Standards for All School Nutrition Program Directors**

Each school food authority must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth below:

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

#### **Minimum Standards for All School Nutrition Program Directors (continued)**

**Hiring standards:** All school nutrition program directors hired on or after July 1, 2015, must meet the following minimum educational requirements, as applicable:

1. ***School nutrition program directors with local educational agency enrollment of 2,499 students or fewer. Directors must meet the following requirements:***
  - a. A Bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; **or**
  - b. A Bachelor's degree or equivalent educational experience with any academic major or area of concentration, *and* either a State-recognized certificate for school nutrition directors or at least one year of relevant food service experience; **or**
  - c. An Associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field *and* at least one year of relevant school nutrition program experience; **or**
  - d. A high school diploma or equivalency (such as the general educational development diploma), *and* at least three years of relevant food service experience.
  - e. Subject to the prior approval of the CSDE, the district may accept relevant food service experience as a substitute for school nutrition program experience when hiring new school nutrition program directors. (The CSDE may consider volunteer or unpaid work as relevant food service experience.)
  - f. A local educational agency with less than 500 students may accept less than the required years of food service experience when an applicant for a new school nutrition program director position has the minimum required educational requirement.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

#### **Minimum Standards for All School Nutrition Program Directors (continued)**

2. ***School nutrition program directors with local educational agency enrollment of 2,500 to 9,999 students. Directors must meet the following requirements:***
  - a. A Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; **or**
  - b. A Bachelor's degree or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; **or**
  - c. A Bachelor's degree in any academic major *and* at least two years of relevant experience in school nutrition programs; **or**
  - d. An Associate's degree, or equivalent educational experience, with an academic major or area of concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field *and* at least two years of relevant school nutrition program experience.
  
3. ***School nutrition program directors with local educational agency enrollment of 10,000 or more students. Directors must meet the following requirements:***
  - a. A Bachelor's degree, or equivalent educational experience, with an academic major or area of concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; **or**
  - b. A Bachelor's degree or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; **or**
  - c. A Bachelor's degree in any major *and* at least five years' experience in management of school nutrition programs.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

#### **Minimum Standards for All School Nutrition Program Directors (continued)**

- d. School food authorities are strongly encouraged to seek out individuals who possess a master's degree or are willing to work toward a master's degree in the fields listed in this section. [At least one year of management experience, preferably in school nutrition, is strongly recommended. It is also strongly recommended that directors have at least three credit hours at the university level in food service management and at least three credit hours in nutritional sciences at the time of hire.]

***Food safety training for school nutrition program directors for districts of all sizes:*** All school nutrition program directors must have completed at least eight hours of food safety training within five years prior to their starting date or completed eight hours of food safety training within 30 calendar days of their starting date. [At the discretion of the State agency, all school nutrition program directors, regardless of their starting date, may be required to complete eight hours of food safety training every five years.]

#### **Continuing Education/Training Standards for All School Nutrition Program Directors**

Each school year, the school food authority must ensure that all school nutrition program directors, (including acting directors, at the discretion of the State agency) complete annual continuing education/training. Twelve hours of annual training are required for Program Directors. The annual training must cover administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures), as applicable, and any other specific topics identified by FNS, as needed, to address Program integrity or other critical issues. Continuing education/training required is in addition to the food safety training required in the first year of employment.

#### **Continuing Education/Training Standards for All School Nutrition Program Managers**

Each school year, the school food authority must ensure that all school nutrition program managers have completed annual continuing education/training. Program managers must complete ten hours of annual training. The annual training must include, but is not limited to, the following topics, as applicable:

- Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures);
- The identification of reimbursable meals at the point of service;
- Nutrition;
- Health and safety standards; and
- Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel (continued)**

#### **Continuing Education/Training Standards for All Staff with Responsibility for School Nutrition Programs**

Each school year, the school food authority must ensure that all staff with responsibility for school nutrition programs that work an average of at least 20 hours per week, other than school nutrition program directors and managers, completes annual training in areas applicable to their job. Staff must complete six hours of annual training. Part-time staff working an average of less than 20 hours per week must complete four hours of annual training. The annual training must include, but is not limited to, the following topics, as applicable to their position and responsibilities:

- Free and reduced price eligibility;
- Application, certification, and verification procedures;
- The identification of reimbursable meals at the point of service;
- Nutrition;
- Health and safety standards; and
- Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.

The annual training requirements for school nutrition program managers, directors, and staff became effective July 1, 2015. Program managers, directors, and staff hired on or after January 1 of each school year must complete half of their required annual training hours before the end of the school year. At the discretion of the State agency:

- Acting and temporary staff, substitutes, and volunteers must complete training in one or more of the topics listed in this section, as applicable, within 30 calendar days of their start date; and
- School nutrition program personnel may carry over excess annual training hours to an immediately previous or subsequent school year and demonstrate compliance with the training requirements over a period of two school years, provided that some training hours are completed each school year.

#### **Use of Food Service Funds for Training Costs**

Costs associated with the required annual continuing education/training are allowed provided they are reasonable, allocable, and necessary in accordance with the cost principles set forth in 2 CFR part 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87). However, food service funds must not be used to pay for the cost of college credits incurred by an individual to meet hiring requirements.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel (continued)**

#### **School Food Authority Oversight**

Each school year, the school food authority director must document compliance with the training requirements for all staff with responsibility for school nutrition programs, including directors, managers, and staff. Documentation must be adequate to establish, to the State's satisfaction during administrative reviews, that employees are meeting the minimum professional standards. The school food authority must certify that:

- The school nutrition program director meets the hiring standards and training requirements; and
- Each employee has completed the applicable training requirements no later than the end of each school year.

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

10-216 Payment of expenses.

10-217 State Board of Education Regulations.

10-215b-1 School lunch and nutrition programs.

10-215b-11 Requirement for meals.

10-215b-12 Reimbursement payments. (including free and reduced price meals)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **School Lunch Service**

#### **Professional Standards for Food Service Personnel**

Legal Reference: Connecticut General Statutes (continued)

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).

Federal Register (80 Fed No 40) Professional Standards for State and Local Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Regulation approved:

cps 1/16

rev 3/19

rev 1/20

**SAMPLE JOB DESCRIPTION TEMPLATE**  
**District School Nutrition Directors/Supervisors**

**General Function and Scope**

The District School Nutrition Director/Supervisor will oversee all aspects of the district Child Nutrition Program (CNP) operation. The job functions include administrating, planning, directing, assessing, implementing, and evaluating the program in order to meet the nutritional and educational needs of children, as they relate to the CNP. The school nutrition professional shall partner with others in the school district and community to solicit support for the development of a sound nutrition assistance food program while following federal, state, and local guidelines. The CNP is to provide an environment that supports healthy food habits while maintaining program integrity and customer satisfaction.

**Essential Functional Areas of Responsibilities**

**Customer Service**

- Establishes quality standards for the presentation and service of food.
- Implements a district-wide customer service driven philosophy that focuses on value and satisfaction.

**Sanitation, Food Safety, and Employee Safety**

- Establishes procedures to ensure that food is prepared and served in a sanitary and safe environment.
- Develops and integrates employee safety regulations into all phases of the school foodservice operation.
- Establishes procedures and policies for risk management.

**Financial Management and Recordkeeping**

- Establishes measurable financial objectives and goals for the CNP.
- Manages the CNP using appropriate financial management techniques.
- Implements efficient management techniques to ensure all records and supporting documentation are maintained in accordance with local, state, and federal laws and policies.

**Food Production**

- Develops procedures to ensure the food production system provides safe nutritious food of high quality.
- Ensures operational procedures for efficient and effective food production and distribution.
- Implements a cost-effective procurement system.
- Develops purchasing guidelines to ensure purchased food and supplies reflect product knowledge, customer preferences, district needs, policies, and nutrition objectives.
- Establishes standards for receiving storing, and inventorying food and non-food supplies based on sound principles of management.

### **Program Accountability**

- Ensures CNP compliance with all local, state, and federal laws, regulations, and policies.
- Provides technical assistance and training for school foodservice personnel, school administrators, and other school support staff.
- Develops guidelines for providing services in response to disaster or emergency situations.

### **Nutrition and Menu Planning**

- Develops cost-effective menus that maintain nutrition integrity and meet all local, state, and federal guidelines and regulations.
- Assesses customer preferences, industry trends, and current research to plan menus that encourage participation in the CNP.
- Works with school staff, teachers, parents, and physicians to plan menus for children with special nutrition needs.

### **General Management**

- Employs management techniques to maintain an effective and efficient CNP.
- Develops short and long term goals through strategic planning for the district school foodservice program that supports the philosophy and policies of the Board of Education.
- Implements policies and procedures to ensure the effective operations of CNPs.
- Develops a long-range program for establishing professional status for the CNP's role in the education community.
- Reviews current research information to determine health and nutrition-related trends and foodservice management developments; and develops innovative program changes and expansions based on this information.

### **Personnel Management**

- Implements personnel policies and procedures for the CNP according to local, state, and federal regulations and laws.
- Develops job performance standards that provide for performance improvement.
- Develops methods for hiring, training, and evaluating personnel that recognize education, experience, performance, and certification.
- Establishes procedures to implement employee contract agreements, progressive discipline, and formal grievances.
- Establishes standards for the professional development of the district's CNP personnel.

### **Facility Layout and Design and Equipment Selection**

- Assists with designing and planning facilities that ensure high quality customer service, wholesome food production, and efficient workflow.
- Determines equipment needs and specifications consistent with program needs and budget.

### **Environmental Management**

- Develops and implements policies and procedures to ensure environmental responsibility.
- Establishes a waste management system for the CNP that is effective, economical, and environmentally safe.

### **Marketing**

- Develops a marketing plan to attract students, parents, teachers, administrators, support staff, and community.
- Conducts an on-going evaluation of the marketing plan.
- Communicates program information to encourage and secure support for the school food and nutrition program from the Board of Education, administrators, faculty, students, parents, and community.
- Implements a plan for providing foodservice for special functions consistent with Board of Education policies.

### **Computer Technology**

- Implements management information systems that increase the productivity and efficiency of the school food and nutrition operation.
- Trains staff to use computer technology in individual school sites to improve management techniques.

### **Nutrition Education**

- Develops and implements a comprehensive nutrition education program using school cafeterias as learning laboratories.
- Establishes role of the CNP as a resource for expertise in the development and presentation of nutrition education materials and activities.

### **Other**

- Performs and directs job related proficiency with the highest ethical integrity.
- Performs and directs with a commitment to promote a quality CNP that meets the nutritional needs of the customers served.
- Performs and directs with an overall nature that is committed to the goals and visions of the school district.
- Performs and directs appropriate communication skills with the customers served.

*A mandated policy on preschool special education.*

## **Instruction**

### **Special Education**

#### **Preschool Special Education**

The Board of Education (Board) recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board shall maintain an early intervention program for preschool-aged children identified through the “Birth to Age Three” screening process under regulations imposed by the Individuals with Disabilities Act (IDEA) which identifies children with special education needs or developmental delays.

The District’s program shall be based upon the “reverse mainstreaming model” which maintains a significant number of non-disabled (regular education) students who serve as role models for the students with identified special needs. The Director/Supervisor of Special Education is responsible to coordinate and evaluate the program annually in order to make recommendation to the Superintendent of Schools or his/her designee.

The Board authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include:

1. Locating and identifying all preschool children, between the ages of three and five, with disabilities pursuant to the relevant provisions of the Individuals with Disabilities Act (IDEA). The register of children eligible to receive preschool special education services is to be maintained and revised annually by the Director/Supervisor of Special Education;
2. Ensuring that the parents of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. Developing an individualized education program (IEP) for each preschool age child with a disability requiring services;
4. Appointing and training appropriately qualified personnel;
5. Providing transportation to students enrolled in the program;
6. Maintaining lists as required by the State Education Department pertaining to the number of children with disabilities who are being served, as well as those identified disabled students not served; and
7. Reporting as required to the State Education Department; and
8. Ensuring the smooth transition from infant to preschool programs.

## **Instruction**

### **Special Education**

#### **Preschool Special Education (continued)**

The Planning and Placement Team's responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. Children recommended for an educational program may enter at various points throughout the school year.

It is ultimately the responsibility of the Board to provide the appropriate approved preschool program and services for the District children. Should the PPT's determination and recommendations differ from parent or guardian preference, placement may be appealed by a parent or guardian through the procedures outlined in IDEA.

If the PPT determines that a child is ineligible for participation in a preschool special education program, a screening for developmental and social-emotional delays using validated assessment tools, such as the Ages and Stages Questionnaire and the Ages and Stages Social-Emotional Questionnaire, or their equivalents, shall take place for such child. The Board directs the Superintendent or his/her designee to ensure that the District considers that adequate and appropriate space and personnel are made available for such programs and services.

#### **Tuition**

Non-disabled (regular education) students enrolled in the "reverse mainstreaming" preschool program will be required to pay tuition for the program. Identified students or students who qualify for free or reduced lunch will not be charged for tuition. The Board will annually establish the tuition rate for the following school year. The Board, through the Superintendent or his/her designee, will establish a monthly payment plan. Failure to make such tuition payment may result in discontinuation of enrollment in the program.

Legal Reference: Connecticut General Statutes  
10-76a Definitions.  
10-76b State supervision of special education programs and services.  
10-76c Receipt and use of money and personal property.  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114)  
10-76e School construction grant for cooperative regional special education facilities.  
10-76f Definition of terms used in formula for state aid for special education.  
10-76g State aid for special education.

## **Instruction**

### **Special Education**

Legal Reference: Connecticut General Statutes (continued)

10-76h Special education hearing and review procedure. Mediation of disputes.

10-76i Advisory council for special education.

10-76j Five-year plan for special education.

10-76k Development of experimental educational programs.

State Board of Education Regulations.

10-76m Auditing claims for special education assistance.

10-76a-1 et seq. Definitions.

10-76b-1 through 10-76b-4 Supervision and administration.

10-76d-1 through 10-76d-19 Conditions of instruction.

10-76h-1 through 10-76h-2 Due process.

10-76l-1 Program Evaluation.

10-145a-24 through 10-145a-31 Special Education (re teacher certification).

17a-248e Individualized family service plans. Duties of lead agencies (as amended by PA 21-46, Section 27)

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. as amended by P.L. 105-17.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.

Policy adopted:

rev 4/15

rev 7/21

## PA 21-199 Section 2 – Gifted and Talented Students

*(Background information for Policy Review Committee)*

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P.A. 21-199, “An Act Concerning Various Revisions and Additions to the Statutes Relating to Education and Workforce Development, *Section 2*,” requires local and regional boards of education to develop a policy, not later than July 1, 2022, for the equitable identification of gifted and talented students. The legislation indicates that such policy shall require the use of multiple methods of identification of gifted and talented students that are in compliance with guidance provided by the State Department of Education (SDE).

### **Policy Implications**

This section of the Act impacts policy #6172.1, “Gifted and Talented Programs,” and makes it a mandated policy beginning with the 2022-2023 school year.

The SDE in March 2019 issued the guidance document, “Gifted and Talented Education: Guidance Regarding Identification and Service.” While this was done prior to the new legislation, it contains timely information which is included in this narrative.

The laws and regulations governing gifted and talented education are embedded within those that pertain to special education in Connecticut. It is important to note that gifted and talented education is not included in the federal Individuals with Disabilities Education Act (IDEA), which sets forth the federal requirements for special education. Only state laws and regulations apply to gifted and talented education, not the IDEA.

C.G.S. 10-76a (5) indicates that a student who has extraordinary learning ability or outstanding talent in the creative arts requires programs or services beyond the level of those ordinarily provided in regular school programs.

### **Definition of Gifted and Talented**

C.G.S. 10-76a-2 offers the following three important definitions that serve as the foundation for the identification of students as gifted and/or talented:

**“Extraordinary learning ability”** means a child identified by the planning and placement team as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity, or both.

**“Gifted and talented”** means a child identified by the planning and placement team as (A) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (B) needing differentiated instruction or services beyond those being provided in the general education program in order to realize the child’s intellectual, creative or specific academic potential. The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts.

**“Outstanding talent in the creative arts”** means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts.

## PA 21-199 Section 2 – Gifted and Talented Students

*(Background information for Policy Review Committee)*

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These definitions can be synthesized into the following two broad descriptions of students who may be identified as gifted and/or talented:

1. those with extraordinary learning ability (commonly referred to as gifted); and/or
2. those with outstanding talent in the creative arts (commonly referred to as talented).

Extraordinary learning ability pertains to academic achievement and intellectual creativity. Outstanding talent in the creative arts pertains to achievement in music, the visual, or performing arts. Students in these classifications are collectively referred to as gifted and talented.

### **Mandatory Referral, Identification, and Evaluation Services**

Subsection (b) of regulation 10-76d-1 states that “Each board of education shall be required to provide referral, identification and evaluation services only for gifted and talented children enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of such board of education.” Districts are mandated to have a process for the referral, identification, and evaluation of public school students enrolled in Grades K-12 as gifted and/or talented. The referral may come from any source including the teacher, administrator, parent, guardian, or child.

The Planning and Placement Team (PPT) is required to be used to evaluate and identify gifted and talented children. However, the composition of the PPT used for this purpose is different from the PPT composition for special education.

“For purposes of the evaluation, identification or determination of the specific educational needs of a child who may be gifted or talented, the PPT means a group of certified or licensed professionals who represent each of the teaching, administrative and pupil personnel staffs, and who participate equally in the decision making process.” Note that the student’s parent or guardian is not a required member of the PPT assembled for the purpose of identifying gifted and talented students.

Districts are required to evaluate and identify gifted and talented students but there is flexibility in how this evaluation is conducted. State regulations indicate districts may use individual evaluations or group assessment and evaluations to identify gifted and talented children, provided that parental consent is acquired before a child is individually evaluated.

A district may conduct planning and placement team meetings on groups of children for whom evaluation and identification as gifted and talented are planned. Parents must be provided written notice that their child has been referred to the planning and placement team for consideration as a gifted and talented child. Written parental consent shall be secured before a child is individually evaluated for identification as gifted and talented.

The results of the planning and placement team meeting concerning a determination of the child’s identification as gifted or talented shall be provided to the parent in writing. If a parent disagrees with the results of the evaluation conducted by the district, the parent has a right to a hearing.

## PA 21-199 Section 2 – Gifted and Talented Students

*(Background information for Policy Review Committee)*

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### **Group Assessments and Individual Evaluations**

In the case of a group assessment, a district may use an appropriate standardized test administered to all students in a particular grade. A district can use a locally normed cut score to identify students for consideration by a PPT for the gifted and talented classification.

In this approach, the district may convene a group PPT to review the cases of the students who meet or exceed the established cut score. The use of local norms over state/national norms has the advantage of potentially being more informative of a child's standing with respect to the general education program of a school. Objective measures such as these also allow for the possible identification of students as gifted and talented who are members of historically underrepresented populations.

When a child is individually referred for gifted and talented identification (e.g., by a teacher, administrator, parent, guardian, child), written consent from a parent or guardian is required before the evaluation and PPT can proceed. An individual referral has the advantage of allowing for the possible identification of students as gifted and talented in areas that are not typically addressed by large-scale standardized tests (e.g., social studies, a technical discipline, music, creative arts, performing arts).

### **Role of Local Context in Identification**

After the PPT determination from an individual/group assessment the classification of a child as gifted or talented is dependent upon the local context because a PPT must inventory and evaluate a child's needs relative to what is available from the general education program in the child's school.

If a differentiated instruction need exists that exceeds the general education program, then the child has met the criteria for the gifted and talented classification. Since there are differences between general education programs in different schools, a child could be gifted and talented in one school but not gifted and talented in another. Similarly, if the PPT determines that a child has demonstrated or has potential for superior ability/achievement in music, the visual arts or the performing arts and, relative to the general program, the child has unmet educational needs, then the child should be classified as having outstanding talent in the creative arts. Students can be found to have outstanding talent in the creative arts in a single or in multiple modes/expressions of musical, visual, or performing arts. In the case of either the high ability student or the student with outstanding talent in the creative arts, need is operationally defined as whatever is required in order for the student to realize his/her intellectual, creative or specific academic potential.

Connecticut regulations state that "A board of education may identify up to ten per cent of its total student population for the district as gifted and talented." This ten percent criterion is evaluated against the total student population of the district.

## **PA 21-199 Section 2 – Gifted and Talented Students**

*(Background information for Policy Review Committee)*

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**(continued)**

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### **Provision of Services**

While the gifted and talented identification and evaluation of students is mandatory, the provision of services for identified students is not required and is left to the discretion of the district. A student may be identified as gifted and talented and as a student with disability who is eligible for special education and related services. In that case, the student would be entitled to an Individualized Education Program (IEP) pursuant to state and federal law but is not entitled to receive gifted and talented services.

### **Other Considerations**

Although the percentage of students identified and/or served in gifted and talented education programs does not currently reflect the general school population, gifted and talented youth exist in all cultural and economic groups. When appropriate identification protocols are employed along with programming models that cultivate potential, more students from historically underrepresented groups can be identified, resulting in a more equitable process reflective of the national student population. Some students, despite substantial potential, have had few opportunities to develop their talents. Other students have been under challenged with unmet learning needs.

Policy #6172.1, “Gifted and Talented Programs,” a mandated policy beginning with the 2022-2023 school year, has been revised and follows for your consideration.

*A mandated policy (as of July 1, 2022) to consider.*

## **Instruction**

### **Gifted and Talented Students Program (Version #1)**

The Board of Education (Board) recognizes its responsibility to identify gifted and talented students within the school district [and to provide these students with appropriate instructional adaptations and services]. *(Districts are required to identify but provision of services is at the discretion of the local district.)* The Board is committed to providing identification and assessment which is responsive to students' economic conditions, gender, developmental differences, disabling conditions and cultural diversity.

For purposes of this policy, “gifted and talented students” means a child identified by the Planning and Placement Team (PPT) as (A) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (B) needing differentiated instruction or services beyond those being provided in the general education program in order to realize the child’s intellectual, creative or specific academic potential. The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts.

For purposes of this policy “outstanding talent in the creative arts” means a child identified by the Planning and Placement Team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts.

The school district shall provide educational programs for the gifted and talented, within budgetary constraints, that include a broad spectrum of learning experiences which increase knowledge and develop skills necessary for the student to function successfully in society while encouraging students to excel in areas of special competence and interest. *(optional language)*

The Superintendent or his/her designee will develop procedures for an ongoing kindergarten through grade twelve identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity or a specific academic area.

Multiple measures may include, but are not limited to, tests of academic achievement, aptitude, intelligence, and creativity; achievement test scores; grades; student performance or products; samples of student work; parent, student, and/or teacher recommendations; and other appropriate measures. The identification methodology will include consideration of all students, including those who are English language learners and those with Individualized Education Plans (IEP) or 504 Plans, be developmentally appropriate, non-discriminatory, and related to the programs and services offered by the District.

The final determination in the identification of students as gifted and/or talented must be done by a PPT. Such PPT charged with this responsibility shall be composed of a group of certified or licensed professionals representing each of the teaching, administrative and pupil personnel staffs.

## **Instruction**

### **Gifted and Talented Students Program (Version #1) (continued)**

Though early identification of the gifted and talented is important, it is essential that the identification of these students be recognized as a continuing process in that special abilities and skills appear at different times in the lives of many children and new children are regularly being enrolled in the system.

Upon the identification of a student as gifted and talented, the District shall provide electronic notice of such identification to the parent/guardian of such student. Such notice shall include, but need not be limited to:

1. an explanation of how such student was identified as gifted and/or talented;
2. the contact information for the District's employee in charge of the provision of services to gifted and talented students, or, if there is no such employee, the District's employee in charge of the provision of special education and related services;
3. the employee at the State Department of Education who has been designated as responsible for providing information and assistance to Boards of Education and parents or guardians of students related to gifted and talented students, pursuant to section 10-3e of the General Statutes; and
4. any associations in the state that provide support to gifted and talented students.

The school district, should it decide to offer services to the gifted and talented, shall utilize the guidelines, developed and promulgated by the State Department of Education (SDE), for providing services to those students. The guidelines include best practices for the district to consider for (1) addressing the intellectual, social and emotional needs of gifted and talented students in schools and (2) providing teacher training and professional development on gifted and talented students.

Legal Reference: Connecticut General Statutes  
10-76a-(e) Definitions.  
10-76d-(e) Duties and powers of Boards of Education to provide special education programs and services.  
Regulations of Connecticut State Agencies Sections 10-76a-1–10-76l-1.  
P.A. 19-184 An Act Concerning the Provision of Special Education.  
Gifted and Talented Education: Guidance Regarding Identification and Service. SDE Guidance, March 2019.  
P.A. 21-199 An Act Concerning Various Revisions and Additions to the Statutes Relating to Education and Workforce Development, Section 2.

Policy adopted:  
rev 6/17  
rev 7/19  
rev 4/22

*A mandated policy (as of July 1, 2022) to consider.*

## **Instruction**

### **Gifted and Talented Students Program (Version #2)**

The \_\_\_\_\_ Public Schools are committed to recognizing and promoting the individual strengths, gifts, and talents of all children.

The \_\_\_\_\_ Public Schools, in conjunction with State of Connecticut regulations and requirements, will identify students demonstrating extraordinary ability academically, creatively and artistically.

The identification process is based on a multi-criteria assessment process, typically including both subjective and objective data. The process must include multiple measures in order to identify student strengths in intellectual ability, creativity or a specific academic area. Multiple measures may include, but are not limited to, tests of academic achievement, aptitude, intelligence, and creativity; achievement test scores; grades; student performance or products; samples of student work; parent, student, and/or teacher recommendation; and other appropriate measures. The identification methodology will include consideration of all students, including those who are English language learners and those with Individualized Education Plans or 504 Plans, be developmentally appropriate, non-discriminatory, and related to the programs and services offered by the District.

The final determination in the identification of students as gifted and/or talented must be done by a Planning and Placement Team (PPT). Such PPT charged with this responsibility shall be composed of a group of certified or licensed professionals representing each of the teaching, administrative and pupil personnel staffs.

It is recognized that identified students may be accommodated in a variety of ways, such as, but not limited to, the provision for supplementary materials, extensions to the curriculum and accelerated placement options.

Upon the identification of a student as gifted and talented, the District shall provide electronic notice of such identification to the parent/guardian of such student. Such notice shall include, but need not be limited to:

1. an explanation of how such student was identified as gifted and talented;
2. the contact information for the District's employee in charge of the provision of services to gifted and talented students, or, if there is no such employee, the District's employee in charge of the provision of special education and related services;
3. the employee at the State Department of Education who has been designated as responsible for providing information and assistance to Boards of Education and parents or guardians of students related to gifted and talented students, pursuant to section 10-3e of the General Statutes; and
4. any associations in the state that provide support to gifted and talented students.

## **Instruction**

### **Gifted and Talented Students Program (Version #2) (continued)**

Legal Reference: Connecticut General Statutes

10-76a-(e) Definitions.

10-76d-(e) Duties and powers of Boards of Education to provide special education programs and services.

Regulations of Connecticut State Agencies Sections 10-76a-1–10-76l-1.

P.A. 19-184 An Act Concerning the Provision of Special Education.

Gifted and Talented Education: Guidance Regarding Identification and Service. SDE Guidance, March 2019.

P.A. 21-199 An Act Concerning Various Revisions and Additions to the Statutes Relating to Education and Workforce Development, Section 2.

Policy adopted:

rev 6/17

rev 7/19

rev 4/22

*A mandated policy to consider.*

## **Personnel -- Certified**

### **Minimum Duty-Free Lunch Periods for Teachers**

The Board of Education, in compliance with P.A. 22-80, shall provide a minimum 30-minute uninterrupted lunch period for teachers and other certified staff.

Legal Reference: Connecticut General Statutes

PA 22-80 An Act Concerning Childhood Mental and Physical Health Services in School.

Policy adopted:

cps 7/22

## PA 21-199 Section 5 – Challenging Curriculum Policy

*(Background information for Policy Review Committee)*

Page 1

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**Section 5** of P.A. 21-199, “An Act Concerning Various Revisions and Additions to the Statutes Relating to Education and Workforce Development,” requires each board of education to adopt a challenging curriculum policy by July 1, 2022, that aligns with State Department of Education (SDE) guidance.

The challenging curriculum policy shall include, but need not be limited to, the following:

1. Criteria for the identification of students in grades eight and nine who may be eligible to take or enroll in an advanced course or program; and
2. The requirement that these students have an academic plan.

An “**advanced course or program**” as defined in the legislation means an honors class, advanced placement class, International Baccalaureate program, Cambridge International Program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by a local or regional board of education in grades nine to twelve, inclusive.

The academic plan must be designed to enroll the student in one or more advanced courses or programs and allow the student to earn college credit or result in career readiness.

Furthermore, the academic plan must be aligned with the following:

1. the courses or programs currently offered by the board of education;
2. the student’s student success plan;
3. the high school graduation requirements established in state law; and
4. any other board-adopted policies or standards relating to student enrollment eligibility for advanced courses or programs.

The Act allows a student or his or her parent/guardian to decline to implement the academic plan’s provisions.

### **Policy Implications**

This section of the Act is closely aligned with the provisions of Section 3 of P.A. 21-199. Section 3 of this legislation requires boards of education to adopt a policy or revise an existing one, also not later than July 1, 2022, concerning the eligibility criteria for student enrollment in an advanced course or program. The policy, according to the legislation, shall provide for multiple methods by which a student may satisfy the eligibility criteria for enrollment in an advanced course or program, including, but not limited to, recommendations from teachers, administrators, school counselors or other school personnel.

As used in section 3 of the Act, effective July 1, 2021, “advanced course or program” means an honors class, advanced placement class, International Baccalaureate Program, Cambridge International Program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by a local or regional board of education in grades nine to twelve, inclusive. The definition is the same for Section 5.

## **PA 21-199 Section 5 – Challenging Curriculum Policy**

*(Background information for Policy Review Committee)*

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*(continued)*

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Any policy adopted or revised and implemented under section 5 of P.L. 21-199, similar to section 3, is required to be in accordance with guidance provided by the State Department of Education (SDE).

A new policy, #6141.51, “Advanced Courses or Programs-Eligibility Criteria for Enrollment,” has been developed regarding the requirements of section 3 of this legislation. That policy becomes a new mandated policy beginning with the 2022-2023 school year. That policy refers to enrollment criteria for advanced courses or programs offered by a school district in grades 9 through 12.

Section 5 of the Act speaks to criteria for the identification of students in grades eight and nine who may be eligible to take or enroll in an advanced course or program. A new “challenging curriculum policy” has been developed, and follows for your consideration.

Policy #6141.52 is a mandated policy beginning with the 2022-2023 school year.

*A mandated policy beginning in the 2022-2023 school year to consider.*

## **Instruction**

### **Challenging Curriculum Policy (Criteria for Identification of Eligible Grade 8, 9 Students)**

The Board of Education (Board) believes academically advanced courses and/or programs are designed to motivate students to understand rigorous content. The Board recognizes its responsibility to identify these students in grades 8 and 9, in compliance with Section 5 of P.A. 21-199, and to provide them with appropriate instructional adaptations and services. Any student who is capable of and wishes to do advanced course work or take an accelerated course or program, as detailed in this policy should be permitted to do so (in grades 8 and 9).

An “**advanced course or program**” as defined in this policy means an honors class, advanced placement class, International Baccalaureate Program, Cambridge International Program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by the Board. Such courses or programs are specifically designed to extend, enrich, and/or accelerate the standard school program in order to meet the needs of District students.

The Board’s goal is to create a culture of deliberate excellence through its commitment to all students who have the capability, potential, or motivation to access advanced academic curriculum and instruction. The Board desires to nurture potential in all students and to challenge students with advanced capabilities through differentiation and responsive instruction. The needs of advanced and high potential learners will be equitability addressed across all populations.

In compliance with Section 5 of P.A. 21-199, the Board adopts this “challenging curriculum policy” aligned with State Department of Education (SDE) guidance. This policy includes, as required, the criteria for the identification of students in grades 8 and 9 who may be eligible to take or enroll in an advanced course or program, as defined, and that such identified students have an academic plan.

Priority placement will be given to students identified as gifted, as per policy #6172.1, “Gifted and Talented Students.”

District middle schools will offer advanced academic classes in the four content areas of language arts, mathematics, social studies and science.

Students taking high school credit courses in the middle school are required to meet all expectations for earning course credit applicable to meeting high school graduation requirements.

## **Criteria**

For purposes of this policy these are students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the District and who would benefit from advanced courses or programs in order to achieve in accordance with their capabilities.

## **Instruction**

### **Challenging Curriculum Policy (Criteria for Identification of Eligible Grade 8, 9 Students)**

#### **Criteria (continued)**

The Superintendent or his/her designee will develop procedures for an ongoing identification process that includes multiple measures in order to identify student strengths in intellectual ability, creativity or a specific academic area. The identification process shall include consideration of all students including those who are English language learners and those with Individualized Education Plans or 504 Plans.

The purposes of identification are to find students who display characteristics which make them eligible for the taking of advanced courses or programs, as defined; to assess the aptitudes, attributes, and behaviors of each student; and to evaluate each student for the purposes of placement. Student aptitudes, attributes and academic behaviors will be identified, assessed and reviewed through a multistep, multimodal, and multidimensional identification system.

Students who experience success in advanced courses or programs typically exhibit the following characteristics: reading at or above grade level; strong study skills and self-motivation; proficient oral and written communication skills; self-discipline to plan, organize, and carry out tasks to completion; and interest and self-directedness in the particular subject.

Such students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations of students with disabilities.

#### **Identification Process**

Identification is a multistep process, which shall consist of screening and referral, assessment of eligibility and placement/enrollment.

The Superintendent or his/her designee is directed to develop and document appropriate curricular and instructional modifications and/or programs for such identified students, in grades 8 and 9, indicating content, process, products and learning environments.

The identification process shall include the following:

- Identification of students with:
  - Superior cognitive ability;
  - Specific academic ability in one or more of the following content areas; math, science, language arts, social studies (consistently received grades of “B” or higher in the core content areas);
  - Creative thinking ability; and
  - Giftedness.

## **Instruction**

### **Challenging Curriculum Policy (Criteria for Identification of Eligible Grade 8, 9 Students)**

#### **Identification Process** (continued)

- Teacher recommendations/referrals
- Referrals from parents, students
- Placement tests if available
- Parental approval

Detailed information will be made available on the District website regarding this policy and the procedures used to identify students who would benefit from enrollment in advanced courses or programs, and the required academic plan.

#### **Academic Plan**

Each identified student shall develop an academic plan for the period grade 8 through high school. The plan, developed with the assistance of parents/guardians and with the advice and recommendations of school personnel, shall be reviewed annually. The plan is to include a list of courses and learning activities/programs in which the student will engage while working toward the fulfillment of graduation requirements.

The student's academic plan must be designed to enroll the identified student in one or more advanced courses or programs and allow the student to earn high school and college credit or result in career readiness.

The academic plan must be aligned with the following:

1. the courses or programs currently offered by the Board of Education;
2. the student's student success plan;
3. the high school graduation requirements established in state law; and
4. any other Board-adopted policies or standards relating to student enrollment eligibility for advanced courses or programs.

A student or his or her parent/guardian have the right to decline the implementation of the provisions of the academic plan.

The academic plan enables a student to take a deeper look into what the high school years and beyond will look like. The student needs to be honest about himself/herself and consider their interests, strengths, likes, dislikes, as well as who they aspire to be as an individual. The plan should be updated as necessary and at a minimum, at least once a year.

## **Instruction**

### **Challenging Curriculum Policy (Criteria for Identification of Eligible Grade 8, 9 Students)**

#### **Academic Plan** (continued)

Beginning in the middle school years, students must be counseled on opportunities for beginning postsecondary education prior to high school graduation. Such opportunities include access to Advanced Placement (AP), International Baccalaureate, or Cambridge courses or college-level courses for degree credit. Wherever possible, students shall be encouraged and offered opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment) upon approval of the Principal prior to such participation, the willingness of the college to accept the student for admission to the course or courses.

(cf. 6141.4 – Independent Study)

(cf. 6141.5 – Advanced College Placement)

(cf. 6141.51 – Advanced Courses or Programs-Eligibility Criteria for Enrollment)

(cf. 6172.1 – Gifted and Talented Students)

(cf. 6172.6 – Virtual/Online Courses)

Legal Reference: Connecticut General Statutes

P.A. 21-199 Section 5

10-221r Advanced placement course program. Guidelines.

District Guidance for Developing an Advanced Course Participation Policy

Policy adopted:

cps 4/22

## **BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE**

~Page 1~

*(Background Information for Policy Review Committee)*

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The United States Department of Transportation (USDOT) through the Federal Motor Carrier Safety Administration Agency (FMCSA) amended the rules for the commercial driver's license drug testing program to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). The Clearinghouse was required to be established by federal law with the intent to improve road safety. (49 CFR Section 382.701 et seq.)

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

The purpose of the Clearinghouse is to maintain records of every violation of the drug and alcohol testing program in a central depository so that employers of CDL holders may have one electronic resource to use in order to determine if potential drivers and current employees have violated the USDOT drug and alcohol testing regulations. The Clearinghouse will identify drivers who move frequently and obtain CDLs in different states and link those CDLs, in order to maintain complete and accurate information on such drivers.

The amended rules require employers to amend their drug and alcohol testing policy to include the use of the Clearinghouse.

The Clearinghouse began its operation in 2020. Every employer who employs CDL drivers must register as employers in the Clearinghouse. The website for the Clearinghouse is <https://clearinghouse.fmcsa.dot.gov/>. The employer is required, as part of the registration process, to name its employees who will have the authority to make an inquiry. For school districts this would be the superintendent and/or the transportation director, business manager or the person overseeing the transportation responsibility for the local district. The designated persons will be allowed to make the inquiries required by the regulations.

The regulations require an employer to make an inquiry to the Clearinghouse for applicants for a CDL driver position, such as school bus drivers. Information will be provided by this initial inquiry as to whether or not the Clearinghouse contains information regarding whether the driver has violated the drug and alcohol regulations which include testing positive on one of the required tests or has been found to violate one of the prohibited activities in the regulations. Prohibited activities include the use of alcohol while performing a safety-sensitive function on the job or consuming alcohol within four hours before performing a safety-sensitive function. A violation indicated in the Clearinghouse requires the employer to do a full inquiry within 24 hours in order to attain the details of the violation.

## **BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE**

~Page 2~

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The written consent of the driver is required prior to doing any initial or full inquiry. Failure of the driver to provide consent prohibits the employer from hiring the applicant. The purpose of doing an annual inquiry of current employees is to determine if these employees have committed any violations while working for other covered current employers. Clearinghouse information received by the employer is confidential and cannot be disclosed to another entity or to other employees who do not have the authority to hire or discipline the driver/employee.

The employers of CDL drivers are required to input information on their current employees when such employees have violated the regulations. What must be reported to the Clearinghouse include positive drug and alcohol tests required by the regulations, actual knowledge of the violations of the drug and alcohol regulations such as the use of drugs and/or alcohol prior to performing safety-sensitive functions or while on duty or the driver's refusal to be tested. Information must be posted to the Clearinghouse by the employer within three business days of the violation's occurrence.

The regulations require a prospective employer to get drug and alcohol testing information from prior employers who employed the driver within the last three years, until January 6, 2023. After that date, an employer making an inquiry to the Clearinghouse on the driver/applicant will fulfill this requirement.

Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record – this includes all pre-employment queries. A driver must also be registered to electronically view the information in his or her own Clearinghouse record. Registered drivers will have their Clearinghouse accounts and contact preferences set up, allowing them to quickly respond to query requests from employers.

### **Policy Implications**

The regulations require the employer to state in its policy on the CDL drug and alcohol testing program information on the requirement of the employer to report violations of the program to the Clearinghouse and to include such information in the training and notice materials given to drivers as required by the regulations.

The CABA sample policy pertaining to drug and alcohol testing for school bus drivers has been revised to address the Clearinghouse requirements.

It is important that contracts entered into between the school district and a transportation carrier for bus transportation services, if the district does not run its own buses, include language pertaining to the assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and the district's policy and that the contractor will actively enforce the regulations of the policy as well as state and federal requirements.

Policy #4212.42, "Drug and Alcohol Testing for School Bus Drivers," is a required policy per federal mandate. Several versions are available, including an administrative regulation.

**January 2021**

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*A required policy per federal mandate.*

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing for School Bus Drivers**

The \_\_\_\_\_ Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as may be amended, and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

### **Drug and Alcohol Clearinghouse Checks for CDL Drivers**

Prior to employment the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees on at least an annual basis. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver may perform safety-sensitive functions.

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;

## Personnel -- Non-Certified

### Drug and Alcohol Testing for School Bus Drivers

#### Drug and Alcohol Clearinghouse Checks for CDL Drivers (continued)

3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);
4. An employer's report of actual knowledge of the following:
  - a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);
  - b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
  - c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
  - d. Controlled substance use (pursuant to 49 C.F.R. §382.213).
5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

#### Additional language to consider:

*(School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students.)*

#### Alternate Version

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991, as maybe amended, and C.G.S.14-276a.

The Superintendent will develop administrative regulations as needed to implement the District's program including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will also include training, education and other assistance to employees to promote a drug and alcohol-free environment.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy and will actively enforce the regulations of this policy as well as federal and state requirements.

## Personnel -- Non-Certified

### Drug and Alcohol Testing for School Bus Drivers (continued)

Such contract shall also contain the assurance that the school transportation contractor will use the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) database to report information to, and obtain information from, regarding drivers who are subject to the Department of Transportation's controlled substance and alcohol testing regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Driver's License (CDL) to operate school vehicles.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Legal Reference:       United States Code, Title 49  
                              2717 Alcohol and controlled substances testing (Omnibus Transportation  
                              Employee Testing Act of 1991)  
                              Code of Federal Regulations, Title 49  
                              40 Procedures for Transportation Workplace Drug and Alcohol Testing  
                              Programs  
                              382 Controlled Substance and Alcohol Use and Testing (as amended)  
                              395 Hours of Service Drivers`  
                              *Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540  
                              *International Brotherhood of Teamsters v. Department of Transportation*  
                              932 F. 2d 1292 (1991)  
                              *American Trucking Association, Inc. v. Federal Highway Administration,*  
                              (1995) WL 136022 (4th circuit)  
                              10-212c Life-threatening food allergies and glycogen storage disease:  
                              Guidelines; district plans. (as amended by PA 18-185)

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing for School Bus Drivers**

Legal Reference: Connecticut General Statutes (continued)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning Life-Threatening Food Allergies in Schools)

Policy adopted:

rev 7/07  
rev 5/18  
rev 10/18  
rev 2/20  
rev 1/21

*Another version to consider.*

## **Personnel - Non-Certified**

### **Drug and Alcohol Testing for Bus Drivers**

The \_\_\_\_\_ Board of Education is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

All drivers subject to the commercial driver's license (CDL) requirements and this policy shall be prohibited from:

1. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or perform other safety-sensitive functions;
2. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

**“Drugs”** in this policy refers to controlled substances covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All employed drivers or employees transferring to positions subject to OTETA shall be subject to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services is required. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred. The offer of employment will be immediately withdrawn from any individual who refuses drug testing.

## **Personnel - Non-Certified**

### **Drug and Alcohol Testing for Bus Drivers (continued)**

[The District will also require pre-employment alcohol testing in accordance with the following provisions:

1. All candidates for employment or transfer with the District and subject to OTETA and state regulation requirements will be tested;
2. All tests will be conducted using the alcohol testing procedures of 49 CFR Part 40;
3. Such tests must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.]

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the driver performs the safety-related function. Controlled substances testing may be performed at anytime while the driver is at work.

A driver covered by the federal regulations may not refuse to take a required test. An offer of employment or transfer will be immediately withdrawn from any individual who refuses drug testing.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the driver shall be removed immediately from safety-related functions in accordance with federal regulations. Before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The Board retains the authority consistent with state and federal law to discipline or discharge any driver who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the driver's qualifications for and performance of the job.

The District is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. Notification of available resources for evaluation and treatment will be made as required by law. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable state law, district policies and negotiated agreements.

The District shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

## **Personnel - Non-Certified**

### **Drug and Alcohol Testing for Bus Drivers (continued)**

Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

The District shall take steps to insure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Drivers License (CDL) to operate school vehicles.

[Contracts for transportation approved by this district shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal and state regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.]

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

### **Drug and Alcohol Clearinghouse Checks for CDL Drivers**

Prior to employment the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees on at least an annual basis. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver may perform safety-sensitive functions.

## **Personnel - Non-Certified**

### **Drug and Alcohol Testing for Bus Drivers (continued)**

### **Drug and Alcohol Clearinghouse Checks for CDL Drivers (continued)**

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);
4. An employer's report of actual knowledge of the following:
  - a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);
  - b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
  - c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
  - d. Controlled substance use (pursuant to 49 C.F.R. §382.213).
5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

Legal Reference:       United States Code, Title 49  
  
                                  2717 Alcohol and controlled substances testing (Omnibus Transportation  
                                  Employee Testing Act of 1991)  
  
                                  Code of Federal Regulations, Title 49  
  
                                  40 Procedures for Transportation Workplace Drug and Alcohol Testing  
                                  Programs  
  
                                  382 Controlled Substance and Alcohol Use and Testing (as amended)  
  
                                  395 Hours of Service Drivers  
  
                                  *Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540  
  
                                  *International Brotherhood of Teamsters vs. Department of Transportation*  
                                  932 F. 2d 1292 (1991)  
  
                                  *American Trucking Association, Inc. v. Federal Highway Administration,*  
                                  (1995) WL 136022 [4th circuit]  
  
                                  10-212c Life-threatening food allergies and glycogen storage disease:  
                                  Guidelines; district plans. (as amended by and PA 18-185)

## **Personnel - Non-Certified**

### **Drug and Alcohol Testing for Bus Drivers**

Legal References	Connecticut General Statutes (continued)
	14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators
	14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators
	52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning the Recommendations of the Task force on Life-Threatening Food Allergies in Schools)

#### **Policy adopted:**

rev 4/02  
rev 7/07  
rev 11/18  
rev 2/20



## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing for School Bus Drivers**

Legal Reference: Connecticut General Statutes (continued)

10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 18-185, An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools)

Policy adopted:

rev 10/18  
rev 2/20  
rev 1/21

*Wallingford's version of this policy to consider.*

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing and Training for Drivers of School Buses and Student Transportation Vehicles**

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the Wallingford Public School district shall require that any contract for transportation approved by this district shall contain assurance that the contractor has established a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy. The company will actively enforce this policy as well as federal and state requirements.

The Wallingford Board of Education expects its school transportation carrier, by June 30, 2019, to provide training to all school bus drivers, including instruction on identifying the signs and symptoms of anaphylaxis, administering epinephrine by a cartridge injector ("EpiPen"), notifying emergency personnel, and reporting an incident involving a student's life-threatening allergic reaction.

Any certified employee of the Wallingford Public School District that, as part of their job duties, transports students to and from school-related activities must participate in a drug and alcohol testing program. The program will be administered by a private vendor hired by the district for this specific purpose and in accordance with federal regulations and state statutes. The program includes pre-employment and random drug and alcohol testing.

This policy applies to all bus drivers, applicants for driver positions, and drivers of student transportation vehicles used as carriers for the District who must have a Commercial Drivers' License (CDL) to operate school vehicles.

#### **Definitions:**

**Carrier:** Any local or regional school district, any educational institution providing elementary or secondary education, or any person, firm, or corporation under contract to such district or institution engaged in the business of transporting students, or; any person, firm, or corporation engaged in the business of transporting primarily persons under the age of twenty-one for compensation.

**Student Transportation Vehicle:** Any motor vehicle, other than a registered school bus, used by a carrier for the transportation of students to or from school, school programs or school sponsored events.

(cf. 3541.23 — Bus Contractor Compliance)

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing and Training for Drivers of School Buses and Student Transportation Vehicles**

Legal Reference: United States Code, Title 49  
2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)  
Code of Federal Regulations, Title 49  
40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs  
382 Controlled Substance and Alcohol Use and Testing (as amended)  
395 Hours of Service Drivers  
*Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.  
*International Brotherhood of Teamsters v. Department of Transportation*  
932 F. 2d 1292 (1991)  
*American Trucking Association, Inc. v. Federal Highway Administration*,  
(1995) WL 136022 (4th circuit)  
10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)  
14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators  
14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators  
52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 18-185, An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools)

Policy adopted:  
cps 1/22

WALLINGFORD PUBLIC SCHOOLS  
Wallingford, Connecticut

*Suggested regulation. A regulation is not necessary if the district contracts a private service provider to provide transportation services. However, these requirements apply to all drivers and applicants for driver positions for the school district who must have a Commercial Drivers License (CDL) to operate school vehicles.*

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers**

School bus drivers including substitute drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382, as amended.

**Note:** Pursuant to 49 CFR 382.107, a driver subject to drug and alcohol testing is any person who operates a commercial motor vehicle, and a vehicle designed to transport 16 or more passengers, including the driver, is a commercial motor vehicle.

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program. (49 CFR 382.103). Under no circumstances will an individual be hired without proof of a successful completion of a drug test. Any individual who refuses to submit to such a test or has a positive controlled substance test will not be considered for employment in the district.

**Note:** The DOT's uniform testing procedures are set forth in 49 CFR Part 40. Regulations related to collection and laboratory testing are extremely complex. Because the collection process is the place where errors are most likely to occur, litigation challenging test results often focuses on the collection process. For these reasons, districts should either adopt the testing procedures set forth in federal regulations or contract out (alone or in consortium) with a company that complies with those regulations.

### **Pre-Employment Tests**

Drug [and alcohol] tests will be administered before a driver performs any safety-sensitive function for the district. (49 CFR 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2)

**Note:** Because drug testing is expensive, the following optional paragraph defers testing until after a job offer is made.

The drug tests shall be required of an applicant only after he/she has been offered the position. Employment with the District is conditional upon the applicant receiving a negative drug test result.

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers**

#### **Pre-Employment Tests (continued)**

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, prior to the application for employment and while participating in that program was tested for drugs within the last six months or participated in a random drug testing program in the previous 12 months, provided that the District has been able to make all verifications required by law. (49 CFR 382.301)

#### **Post-Accident Tests**

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver who;

1. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Received a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests need not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Test conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

#### **Random Tests**

**Note:** Pursuant to 49 CFR 382.305, the number of random alcohol tests annually must equal 10% of the average number of driver positions, and the number of random drug tests annually must equal 50% of the average number of driver positions. Dates for administering the test must be spread reasonably throughout the calendar year.

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, an employee must proceed to a collection site to provide a urine specimen. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

**Personnel -- Non-Certified****Drug and Alcohol Testing For School Bus Drivers (continued)****Reasonable Suspicion Tests**

**Note:** Pursuant to 49 CFR 382.603, persons designated to determine whether reasonable suspicion exists must receive at least 60 minutes of training that covers the physical, behavioral, speech and performance indicators of alcohol misuse and an additional 60 minutes of training that covers these indicators of controlled substance use.

Tests shall be conducted when a supervisor or district official trained in accordance with law has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)

A supervisor or district official who makes a finding of reasonable suspicion shall also make a written record of his/her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)

**Return-to-Duty Tests**

A drug or alcohol test shall be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety-sensitive duties. (49 CFR 382.309)

Employees whose conduct involved misuse of drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. (49 CFR 382.605)

**Note:** Pursuant to 49 CFR 382.605, employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until they undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. Concentrations lower than 0.02 might still violate district policies related to the maintenance of a drug and alcohol-free workplace.

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers (continued)**

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

#### **Follow-up Tests**

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.311)

#### **Records**

**Note:** 49 CFR 382.401 and 382.403 identify detailed records that the district must keep for varying periods of time. 49 CFR 382.405 prohibits the release of this information except as required by law.

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 CFR 382.405)

### **Drug and Alcohol Clearinghouse Checks for CDL Drivers**

Prior to employment the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees on at least an annual basis. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver may perform safety-sensitive functions.

## Personnel -- Non-Certified

### Drug and Alcohol Testing for School Bus Drivers (continued)

### Drug and Alcohol Clearinghouse Checks for CDL Drivers (continued)

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);
4. An employer's report of actual knowledge of the following:
  - a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);
  - b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
  - c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
  - d. Controlled substance use (pursuant to 49 C.F.R. §382.213).
5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

### Notifications

<b>Note:</b> Pursuant to 49 CFR 382.601, the district must provide the information below to all drivers.
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Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by driver to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;

## Personnel -- Non-Certified

### Drug and Alcohol Testing For School Bus Drivers

#### Notifications (continued)

**Note:** 49 CFR 40 specifies detailed testing procedures that must be used to ensure accuracy, reliability and confidentiality. These procedures include training and proficiency requirements and requirements for a suitable test location. Firms with which the district contracts for collection and laboratory services can be expected to provide information about their procedures for distribution to employees.

6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol test administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management. (49 CFR 382.601)

**Note:** Pursuant to 49 CFR 382.601 materials supplied to drivers may also include information about other policies and disciplinary consequences based on the district's authority independent of 49 CFR 382 and described as such. The district must ensure that each driver signs a statement certifying that he/she has received a copy of the above materials. The district must maintain this signed statement and may give a copy to the driver.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. (49 CFR 382.601)

Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303)

## Personnel -- Non-Certified

### Drug and Alcohol Testing For School Bus Drivers

#### Notifications (continued)

**Note:** 49 CFR 382.113 requires the district to inform the employee, before tests are performed, that the tests are required by 49 CFR 382. 49 CFR 382.113 also states that employers shall not falsely represent that a test administered under their own or other authority is being administered under the authority of the Federal Highway Administration.

When tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382, the district shall so inform drivers before drug and alcohol test are performed. (49 CFR 382.113)

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411)

The District shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411)

**Note:** Pursuant to 49 CFR 382.213, the district may require a driver to inform the district when using a controlled substance prescribed by physician who has advised to the driver that the substance does not adversely affect the driver's ability to safely operate a motor vehicle.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

#### Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up tests shall not perform or continue to perform safety-sensitive functions. (49 CFR 382.211)

**Note:** Under the Code of Federal Regulations, Title 49, Part 382, the district can take action only as provided in the following paragraph when the action is based solely on tests results showing an alcohol concentration of less than 0.04. Pursuant to 49 CFR 382.505, this does not prohibit an employer with authority independent of Part 382 from taking any action otherwise consistent with law.

A driver who is tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. (49 CFR 382.505)

## Personnel -- Non-Certified

### Drug and Alcohol Testing For School Bus Drivers

**Note:** 49 CFR 382.605 provides that the choice of substance abuse professional and assignment of costs shall be made in accordance with employer/driver agreements and employer policies.

A driver who in any other way violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. (49 CFR 382.605)

Legal Reference:       United States Code, Title 49  
                              2717 Alcohol and controlled substances testing (Omnibus Transportation  
                              Employee Testing Act of 1991)  
                              Code of Federal Regulations, Title 49, section 40.81  
                              40 Procedures for Transportation Workplace Drug and Alcohol Testing  
                              Programs  
                              382 Controlled Substance and Alcohol Use and Testing. (as amended)  
                              395 Hours of Service Drivers.  
                              *Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.  
                              *International Brotherhood of Teamsters v. Department of Transportation*  
                              932 F. 2d 1292 (1991).  
                              *American Trucking Association, Inc. v. Federal Highway Administration,*  
                              (1995) WL 136022 [4th circuit]  
                              Connecticut General Statutes  
                              PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain  
                              Commercial Motor Vehicles.  
                              14-276a School bus operators of student transportation vehicles;  
                              Regulations; qualifications; training; drug testing  
                              31-51u – Drug testing: Requirements  
                              31-51v – Drug testing: Prospective employees  
                              31-51w – Drug testing: Observation prohibited. Privacy of results  
                              31-51x – Drug testing: Reasonable suspicion required. Random tests.

Regulation approved:  
rev 2/20

## PA 21-199 Section 3 – Student Enrollment in an Advanced Course or Program

*(Background information for Policy Review Committee)*

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**Section 3** of this legislation requires each local and regional board of education to adopt a policy or revise an existing one, not later than July 1, 2022, concerning the eligibility criteria for student enrollment in an advanced course or program. The policy, according to the legislation, shall provide for multiple methods by which a student may satisfy the eligibility criteria for enrollment in an advanced course or program, including, but not limited to, recommendations from teachers, administrators, school counselors or other school personnel.

The eligibility criteria are not to be based exclusively on a student’s prior academic performance and that any use of a student’s prior academic performance shall rely on evidence-based indicators of how a student will perform in an advanced course or program.

As used in section 3 of the Act, effective July 1, 2021, “**advanced course or program**” means an honors class, advanced placement class, International Baccalaureate program, Cambridge International program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by a local or regional board of education in grades nine to twelve, inclusive.

“**Prior academic performance**” is defined by the legislation as the course or courses that a student has taken, the grades received for such course or courses and a student’s grade point average.

Any policy adopted or revised and implemented under section 3 of P.L. 21-199 is required to be in accordance with guidance provided by the State Department of Education (SDE).

### **Policy Implications**

A new policy, #6141.51, “Advanced Courses or Programs-Eligibility Criteria for Enrollment,” has been developed and follows for your consideration. This becomes a new mandated policy beginning with the 2022-2023 school year.

*A mandated policy beginning in the 2022-2023 school year to consider.*

## **Instruction**

### **Advanced Courses or Programs, Eligibility Criteria for Enrollment**

#### **Purpose**

The Board of Education (Board) believes in the basic principle that academic rigor and the opportunity to accelerate learning are powerful motivators for students to meet intellectual challenges and excel in the academic environment. The Board supports advanced courses and programs that promote academic acceleration. All students at the high school level will be provided an opportunity to participate in a rigorous and academically challenging curriculum.

The Board encourages students to pursue rigorous, challenging academic coursework such as, but not limited to, honors classes, dual enrollment, dual credit, advanced placement classes, International Baccalaureate courses, and the Cambridge International Program.

The Board, to encourage student participation in advanced courses or programs, will communicate information about advanced courses or programs to students and parents; offer district-wide counseling to students about the benefits of advanced level courses and programs; and annually report on District progress toward increasing students' readiness and participation for advanced courses or programs.

The benefits of advanced coursework opportunities are not limited to one particular model.

#### **Definitions**

An **“advanced course or program”** is defined as an honors class, advanced placement class, International Baccalaureate program, Cambridge International Program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by the Board of Education in grades 9-12, inclusive.

**“Prior academic performance”** means the course or courses that a student has taken, the grades received for each course, and a student's grade point average.

#### **Procedures/Criteria/Guiding Principles**

The Board is aware that minority students are chronically underrepresented in advanced level high school courses and programs of similar rigor. Low awareness of advanced courses and programs, insufficient preparation, and fear of social isolation prevent low-income and minority students from enrolling in such courses or programs. Further, other barriers to participation include the failure to identify students with potential, insufficient motivation and incentives on behalf of teachers and/or students, and funding.

An emphasis on equity must include a focus on increasing student's access to rigorous learning opportunities to assist all students to be prepared for success after high school. The following District and school-level principles will contribute to fostering greater equity in student participation in advanced courses or programs:

## **Instruction**

### **Advanced Courses or Programs, Eligibility Criteria for Enrollment**

#### **Procedures/Criteria/Guiding Principles (continued)**

1. Provide a course sequence and foundation-building in earlier grades, ensuring high expectations for all students, that makes later advanced coursework a viable option;
2. Create multiple access points to advanced courses and programs, allowing students to access these programs at various points of their high-school experience;
3. Use only enrollment access criteria that are educationally necessary;
4. Use multiple methods by which a student may satisfy eligibility criteria for enrollment, including but not limited to:
  - a. Recommendations from teachers, administrators, school counselors, or other school personnel;
  - b. Criteria not exclusively based on a student's prior academic performance;
  - c. Use of a student's prior academic performance must rely on evidence-based indicators of how a student will perform in an advanced course or program;
  - d. GPA improvement over time;
  - e. Scoring near benchmark on local assessments;
  - f. Student interests and persistence.
5. Offer a robust set of student supports, which can include tutoring, access to technology, and support from school counselors, that help all students succeed in advanced courses or programs; and
6. Publish and disseminate materials that encourage all students to participate in advanced courses and programs and making these materials available in multiple languages.

In order to access advanced courses or programs students need to complete sufficiently difficult coursework at the middle school level. This equitable course enrollment policy is based on rigorous learning opportunities for all students in elementary and middle grades.

High school students willing to accept the challenge of a rigorous academic curriculum shall be admitted to an advanced course or program as defined in this policy. Students who have successfully completed the prerequisite course work or have otherwise demonstrated mastery of the prerequisite content knowledge and have permission from the course instructor to participate will be allowed to enroll in advanced courses or programs offered by the District. The student must request the course or program through the guidance counselor.

District administrators and guidance counselors shall advise students and parents/guardians of the opportunity to participate in advanced courses or programs as defined in this policy. When students' success plans are prepared and revised, the academic component shall include appropriate preparatory courses and advanced course and program participation. Teachers shall also encourage students to take challenging courses.

## **Instruction**

### **Advanced Courses or Programs, Eligibility Criteria for Enrollment**

#### **Procedures/Criteria/Guiding Principles (continued)**

The Board seeks an equitable course enrollment policy that limits prerequisites and entrance requirements to those that are directly related to a student's potential for success. Therefore, multiple measures must be used to identify students for advanced coursework so that no single measure excludes their participation.

Advanced courses or programs must comply with applicable District policies and state standards and this policy must be in accordance with SDE promulgated guidance.

The Superintendent or his/her designee shall ensure the development and/or identification of program stipulations, eligibility criteria, student attendance and discipline standards/expectations and criteria for continuation in advanced courses or programs, and shall ensure the development and/or identification of procedures for students encountering difficulty and/or wishing to drop advanced courses.

## **Evaluation**

The Board will review annually data on student participation in advanced courses or programs, the data shall be disaggregated by gender, ethnicity, and free/reduced lunch participation. Such data will be used during the planning process for course and program offerings in the upcoming school year.

(cf. 6141.4 – Independent Study)  
(cf. 6141.5 – Advanced College Placement)  
(cf. 6172.1 – Gifted and Talented Students)  
(6141.52 – Challenging Curriculum Policy)  
(cf. 6172.6 – Virtual/Online Courses)

Legal Reference:       Connecticut General Statutes  
                              P.A. 21-199 Section 3  
                              10-221r Advanced placement course program. Guidelines.  
                              District Guidance for Developing an Advanced Course Participation Policy

Policy adopted:  
cps 4/22

*Sample policy to consider, with several options to consider.*

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

The goal of the food service program is to provide students with nutritious and healthy foods, through the District's food services program, that will enhance learning. The school nutrition program is an essential part of the education system and by providing good-tasting, nutritious meals in pleasant surroundings; we are helping to teach students the value of good nutrition.

**Alternate language to consider:** *Connecticut's school Child Nutrition Programs consist of the National School Lunch, School Breakfast, Special Milk, After School Snack and Fresh Fruit and Vegetable Programs. It is a local decision as to in which programs the District selects to participate. These programs are federally funded and are administered by the United States Department of Agriculture's Food and Nutrition Service. At the State level, the school Child Nutrition Programs are administered by the Connecticut State Department of Education, which operates the program through agreements with the local school food authorities.*

*The school nutrition program is an extension of the school's educational programs and it is the District's vision to have a partnership among students, staff, school family and the community in offering access to and providing nutritious meals, which are attractively presented at an affordable price.*

The Board of Education (Board) has an agreement with the Connecticut State Department of Education to participate in one or more school Child Nutrition Programs and accepts full responsibility for adhering to the federal and state guidelines and regulations pertaining to these school Child Nutrition Programs. The Board also accepts full responsibility for providing free or reduced price meals to eligible elementary and secondary students enrolled in the District's schools. Applicants for such meals are responsible to pay for meals until the application for the free or reduced price meals is completed and approved. All applications for free and reduced price lunch and any related information will be considered strictly confidential and not to be shared outside of the District's food services program. Meals are planned to meet the specified nutrient standards outlined by the United States Department of Agriculture for children based on their age or grade group.

**Note:** *At the discretion of the school food authority, schools participating in the National School Lunch Program and School Breakfast Program may offer meals at no cost to children who would otherwise qualify for reduced price benefits. This is a strategy to consider to prevent children eligible for reduced price meals from accruing unpaid meal charges.*

Although not required by law, because of the District's participation in the Child Nutrition Programs, the Board approves the establishment of a system to allow a student to charge a meal.

The Board realizes that funds from the non-profit school food service account, according to federal regulations, cannot be used to cover the cost of charged meals that have not been paid.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy (continued)**

Moreover, federal funds are intended to subsidize the meals of children and may not be used to subsidize meals for adults (teachers, staff and visitors). Adults are not allowed to charge meals and shall pay for such meals at the time of service or through pre-paid accounts.

The Board prohibits the public identification or shaming of a child/student for any unpaid charges, including, but not limited to, the following:

- Delaying or refusing to serve a meal to such student,
- Designating a specific meal option for such student or otherwise taking any disciplinary action against such student.

A student needing to charge a meal will be informed of his/her right to purchase a meal, which may exclude a la carte items, for any school breakfast, lunch or other feeding.

In order to sustain the District's food services program, the District cannot permit the excessive charging of student meals. Therefore, any charging of meals must be consistent with this policy and any accompanying regulations. The Superintendent or his/her designee shall develop regulations designed to effectively and respectfully address family responsibility for unpaid meals.

Any parent/guardian who anticipates a problem with paying for meals is encouraged to contact the Food Services Manager/Director and/or the applicable school Principal for assistance. The Board encourages all families who may have a child eligible for free or reduced price lunch to apply.

### **Definitions**

**"Delinquent Debt"** are unpaid meal charges, like any other money owed to the nonprofit school food service account when payment is overdue, as defined by state or local policies.

**"Bad Debt"** are when unpaid meal charges are not collected and are considered a loss. Such debt must be written off as an operating loss, which cannot be absorbed by the nonprofit school food service account, but must be restored using nonfederal funds.

### **Elementary Students *(Options to consider/choose)***

1. The District shall maintain a "no charging policy." The charge/no charge policy will be strictly enforced to eliminate unnecessary debt within the School Food Service Program.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy (continued)

#### Elementary Students (*Options to consider/choose*) (continued)

2. The District uses \_\_\_\_\_, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to an amount not to exceed the cost of thirty (30) meals. Negative balance status can be avoided by making a payment in the form of cash, check, or by credit card to the \_\_\_\_\_ website.
3. Students shall be allowed up to thirty (30) reimbursable meal charges. All other a-la-carte items shall not be charged. After thirty charges, the parents/guardians of such child will be referred to the District's homeless education liaison. The alternate meal shall consist of one or more of the examples listed above. When a charge is occurred, a written notification shall be sent home to parents. All credited meals must be repaid.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

4. No elementary or middle school student shall be deprived a reimbursable meal due to forgotten or lost meal money. The school Principal will be responsible for maintaining a fund of money to loan to students without meal money. The pool of money may be established from school or PTA/PTO funds. The Principal or his/her designee is responsible for collecting money that has been loaned to students. Students will be responsible for repaying all loaned money within an established timeframe. A note shall be given to the student to take home or mailed to the student's home to inform parents of the loan obligation. In situations in which a student is consistently without meal money, the Principal or his/her designee should encourage the parent/guardian to apply for free or reduced price meals.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

The Board will accept gifts, donations, or grants from any public or private sources for the purpose of paying off any unpaid charges for school meals.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

##### **Elementary Students (*Options to consider/choose*) (continued)**

5. The District strongly discourages meal charges, but understands that an occasional emergency makes it necessary at the elementary level. The District/school policy is as follows:
  - a. All charges must be paid in 10 days.
  - b. Students may not charge more than 5 reimbursable meals.
  - c. Parents will be notified and asked for prompt payment after 3 charges.
  - d. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.
  
6. Students shall be allowed to charge up to thirty meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

##### **Secondary Students (*Options to consider/choose*)**

1. A student shall not be allowed to purchase any reimbursable meal on credit.
  
2. The District uses \_\_\_\_\_, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$6.00. No snacks or a-la-carte items may be charged. (*A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.*) If a student with a negative balance attempts to purchase a-la-carte items with cash, the money must first be applied to the negative balance.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy (continued)**

#### **Secondary Students (*Options to consider/choose*) (continued)**

3. Students may charge up to \_\_\_\_\_ meals at the middle school level and 2 meals at the high school level. (*A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.*)
4. Students shall be allowed to charge up to two meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application.

#### **District-Wide (*Options to consider/choose*)**

1. Parents are responsible for providing meals or meal money for their student(s). Borrowing or charging is for one meal only in an emergency. Repayment is expected without delay. Snack and a-la-carte purchases are cash only.
2. Although not required by law, because of the District's participation in the school Child Nutrition Programs, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:
  - a. What can be charged;
  - b. The limit on the number of charges per student;
  - c. The system used for identifying and recording charged meals;
  - d. The system used for collection of repayments; and
  - e. Ongoing communication of the policy to parents/guardians and students.

#### **Delinquent Debt and Bad Debt**

The District's efforts to recover from households money owed due to the charging of meals must not have a negative impact on the children involved and shall focus primarily on the adults in the household responsible for providing funds for meal purchases. The school food authority is encouraged to consider whether the benefits of potential collections outweigh the costs which would be incurred to achieve those collections.

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

##### **Delinquent Debt and Bad Debt (continued)**

Money owed because of unpaid meal charges shall be considered “delinquent debt,” as defined, as long as it is considered collectable and reasonable efforts are being made to collect it. Such debt must be paid by June 30, effective with the 2017-2018 school year.

After reasonable attempts are made to collect the delinquent debt, and it is determined that further collection efforts are useless or too costly, the debt must be reclassified as “bad debt.” Such debt shall be written off as an operating loss not to be absorbed by the nonprofit school food service account but must be restored using non-federal funds.

#### **Dissemination of Policy**

This policy shall be provided in writing to all households at the start of each school year and to households transferring to the school or school district during the school year.

This policy shall be included in student/parent handbooks, on online portals that households use to access student accounts, placed on the District’s website, on the website of each school, and published at the beginning of each school year at the time information is distributed regarding free and reduced price meals and again to the household the first time the policy is applied to a specific child.

This policy shall be provided to all school staff and/or school food authority staff responsible for its enforcement. In addition, school social workers, nurses, the homeless liaison, and other staff members assisting children in need or who may be contacted by families with unpaid meal charges also should be informed of this policy.

The District’s school food authority shall maintain, as required, documentation of the methods used to communicate this policy to households and school or school food authority-level staff responsible for policy enforcement.

(cf. 3542 – Food Service)

(cf. 3542.31 – Free or Reduced Price Lunch Program)

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees. (as amended by PA 21-46)

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.  
State Board of Education Regulations

State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of Delinquent Meal Payments," Nov. 2, 2016

Operational Memorandum #19-10, State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education "Unallowable Charges to No-profit School Food Service Accounts and the Serving of Meals to No-paying Full and Reduced Price Students"

National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol 45 No. 20, Tuesday, January 29, 1980, pp 6758-6772

USDA Guidance:

- SP 46-2016, "Unpaid Meal Charges: Local Meal Charge Policies"
- SP 47-2016, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payment"
- SP 57-2016 "Unpaid Meal Charges: Guidance and Q and A"
- SP 58-2016 "2016 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools"

Policy adopted:

rev 4/17

rev 7/21

*Another version of this policy to consider originally prepared by the Food Research and Action Center.*

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

The \_\_\_\_\_ School District recognizes the important link between proper nutrition and academic success. The purpose of this policy is to establish a consistent district procedure for charging meals when students do not have money to pay, preventing meal charges, and ensuring eligible children are certified for free and reduced-price school meals.

#### **Charging Meals**

Because hunger is an impediment to learning, no child shall be denied a school meal because of an inability to pay. Children will be served a meal that meets the U.S. Department of Agriculture nutrition standards for school meals.

Hand stamps, stickers, or any other means of overt identification of children with unpaid meal debt in the cafeteria or the classroom are prohibited. Additionally, children with unpaid meal debt shall not be required to work off their debt, including, but not limited to, wiping down tables or cleaning the cafeteria. The Board directs schools to avoid the public identification or shaming of a student for any unpaid meal charges. Therefore, the student shall not be denied the right to purchasing a meal nor should a specific meal option be offered.

#### **Preventing Meal Charges**

To ensure that all eligible families are certified for free and reduced-price school meals, the school nutrition department shall:

- provide all households with school meal applications prior to the start of the school year and/or include instructions for completing online school meal applications;
- provide school meal applications in the primary language of the parent or guardian and provide assistance with completing an application for any household that requests assistance;
- promptly utilize data provided by the state or other school district officials to certify eligible children without an application; and
- assure that any child for which the school district is not able to obtain a completed school meal application, but becomes aware of their eligibility for free or reduced-price school meals shall be certified based on an application submitted by the appropriate school official, as permitted by USDA guidance.

To ensure that households are aware of negative account balances and the potential to accrue meal debt, the school nutrition department will:

- send out low balance notices prior to students needing to charge meals;
- notify and/or work with principals, school counselors, and/or teachers to understand the student and parent's situation and if a school meal application is needed;

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

#### **Preventing Meal Charges (continued)**

- use automated calling system to notify parents of negative balances; and
- use automated email alerts to notify parents of negative balances.

Such notifications will include information on local food pantries, application for free or reduced-price meals, the supplemental nutrition assistance program administered by the Department of Social Services, and a link to the District's website that lists any available community services.

#### **Collecting Unpaid Meal Debt**

All communication regarding unpaid meal debt shall be directed at parents or guardians. Schools may send children home with a letter in an unmarked envelope. Such communication must include the information described above.

Prior to contacting households regarding unpaid meal debt, the school district shall ensure that the student is not participating in the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families (TANF) program, or other federal programs, which would confer categorical eligibility for free school meals, or is not homeless, migrant, or in foster care, and would allow them to be certified without an application.

Any household with a negative school lunch account balance shall be contacted immediately by school nutrition staff by email, phone, or letter home to provide information on how to apply for free or reduced-price school meals or to add funds to the school nutrition account.

When a child's unpaid meal charges equal or exceed the cost of thirty (30) meals, such child's parent/guardian shall be referred to the District's homeless education liaison.

For households that cannot afford to pay their school meal charges, the school district will work with them to establish a payment plan. Households that are subsequently certified for free or reduced-price school meals at a point later in the school year shall not immediately be required to repay school meal debt accrued in that school year. The school district will submit retroactive claims for any meals charged to the household from the date of application to the date of certification, to the extent allowed by USDA guidance.

The Board will accept gifts, donations, or grants from any public or private sources for the purpose of paying off any unpaid meal charges of students.

## **Business/Non-Instructional Operations**

### **Food Service**

### **Charging Policy**

- Legal Reference:
- Connecticut General Statutes
    - 10-215 Lunches, breakfasts and other feeding programs for public school children and employees.
    - 10-215a Nonpublic school and nonprofit agency participation in feeding programs.
    - 10-215b Duties of State Board of Education re feeding programs. (as amended by PA 21-46)
  - State Board of Education Regulations
    - State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of Delinquent Meal Payments," Nov. 2, 2016
    - Operational Memorandum #19-10, State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education "Unallowable Charges to No-profit School Food Service Accounts and the Serving of Meals to No-paying Full and Reduced Price Students"
  - National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol 45 No. 20, Tuesday, January 29, 1980, pp 6758-6772)
  - USDA Guidance:
    - SP 46-2016, "Unpaid Meal Charges: Local Meal Charge Policies"
    - SP 47-2016, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payment"
    - SP 57-2016 "Unpaid Meal Charges: Guidance and Q and A"
    - SP 58-2016 "2016 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools"

Policy adopted:

rev 7/21

rev 5/24

*Another version of this policy to consider.*

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

In accordance with federal law and USDA guidelines the *[insert district name]* adopts the following policy to ensure District employees, families, and students have a shared understanding of expectations regarding meal charges. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day, prevent the overt identification of students with insufficient funds to pay for school meals, and maintain the financial integrity of the District's nonprofit school nutrition program.

#### **Payment of Meals**

Select one of the following choices:

- Option 1:** All meal purchases are to be prepaid before meal service begins. *[Insert description of how families may add money to student accounts (e.g., electronic payment options, pay at the school office, etc.) Students who do not have sufficient funds shall not be allowed to charge meals or a la carte items until additional money is deposited in the student account]*
- Option 2:** All meal purchases are to be prepaid before meal service begins. *[Insert description of how families may add money to student accounts (e.g., electronic payment options, pay at the school office, etc.) Students who do not have sufficient funds shall not be allowed to charge meals or a la carte items until additional money is deposited in the student account]*
- Option 3:** *[Insert a district specific process for payment of meals]*

Students who qualify for free meals shall never be denied a reimbursable meal, even if they have accrued a negative balance from previous purchases. Students with outstanding meal charge debt shall be allowed to purchase a meal if the student pays for the meal when it is received.

#### **Negative Account Balances**

The District will make reasonable efforts to notify families when meal account balances are low. Additionally, the District will make reasonable efforts to collect annual unpaid meal charges classified as delinquent debt. The school district will coordinate communications with families to resolve the matter of unpaid charges. Families will be notified of an outstanding negative balance once the negative balance reassess \$ *[insert dollar amount]* or *[insert number of meals]*. Families will be notified by *[insert the method used to notify families (e.g., automated calling system, letters sent home)]*. Negative balances of more than \$ *[insert dollar amount]*, not paid prior to *[enter time period (e.g., end of the month, end of the semester, end of the school year)]* will be turned over to the Superintendent or his/her designee for collection. Options may include: collection agencies, small claims court, or any other legal method permitted by law.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy (continued)

#### Communication of the Policy

The policy and supporting information regarding meal charges shall be provided in writing to:

- All households at or before the start of each school year;
- Students and families who transfer into the District, at time of transfer; and
- All staff responsible for enforcing any aspect of the policy.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

Records of how and when the policy and supporting information was communicated to households and staff will be retained.

The Superintendent may develop an administrative process to implement this policy.

***NOTE: This sample policy is drafted to be consistent for all grade levels. However, local boards may vary the meal charge policy for elementary, middle, and high schools. Districts should update the policy accordingly if they wish to delineate meal charge practices based on the grade level of student.***

(cf. 3542 – Food Services)

(cf. 3542.31 – Free or Reduced Price Lunch Program)

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs. (as amended by PA 21-46)

State Board of Education Regulations

State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of Delinquent Meal Payments," Nov. 2, 2016

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy (continued)**

Legal Reference: (continued)

Operational Memorandum #19-10, State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education “Unallowable Charges to No-profit School Food Service Accounts and the Serving of Meals to No-paying Full and Reduced Price Students”

National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol 45 No. 20, Tuesday, January 29, 1980, pp 6758-6772

USDA Guidance:

- SP 46-2016, “Unpaid Meal Charges: Local Meal Charge Policies”
- SP 47-2016, “Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payment”
- SP 57-2016 “Unpaid Meal Charges: Guidance and Q and A”
- SP 58-2016 “2016 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation’s Schools”

Policy adopted:

cps 6/17

rev 7/21

*An administrative regulation to consider/modify which complies with USDA regulations requirements.*

## **Business/Non-Instructional Operations**

### **Food Service**

### **Charging Policy**

#### **Purpose for Administrative Regulation**

School boards must adopt a policy pertaining to student lunch accounts. Every effort must be made to collect delinquent debt. If the uncollectible debt is a student lunch account, it cannot be an expense to the school food service account and must be covered by non-Federal funds. A board of education can decide if it wants to develop separate procedures for primary-aged children versus secondary-aged children.

The following prohibitions must be adhered to when developing a student lunch/meal account procedure. Schools are not allowed to deny meals to any child for disciplinary reasons. Schools cannot deny a meal to a reduced or paid child, if the child has money in hand for the day's meal, and schools cannot deny a meal to a student eligible for free meals even if money is owed. Whatever procedure the school or food service establishes, the school must assure that the procedure does not discriminate against or single out any group of students.

#### **Procedures for Student Lunch/Meal Accounts**

The National School Lunch Program (NSLP) requires school food authorities to establish written administrative guidelines and procedures for meal charges.

The District will adhere to the following meal charge procedures:

1. All cafeteria purchases are to be prepaid before meal service begins [*describe how households can prepay student accounts. If electronic payment options exist, provide a non-electronic payment option for those who don't have access to computers*].
2. A student may charge up to \$ \_\_\_\_\_ as long as they establish and maintain a good credit history of making payments on their food service accounts.
3. A staff member may charge up to \$ \_\_\_\_\_ as long as they establish and maintain a good credit history of making payments on their food service accounts.
4. A student who has charged a meal may not charge or purchase "a la Carte" item(s), including extra main entrees or make purchases in [*enter any other purchasing areas such as a snack bar, school store, a la carte kiosk, etc.*]
5. If a student repeatedly comes to school with no lunch and no money, food service employees must report this to the building principal as this may be a sign of abuse or neglect and the proper authorities should be contacted.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy

#### Procedures for Student Lunch/Meal Accounts (continued)

6. The food service manager or other school personnel will coordinate communications with the parent(s)/guardian(s) to resolve the matter of unpaid charges. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.
7. If food services staff suspects that a student may be abusing this policy, written notice will be provided to the parent(s)/guardian(s) that if he/she continues to abuse this policy, the privilege of charging meals will be refused.  
**or**  
If food services staff suspects that a student may be abusing this policy, written notice will be provided to the parent(s)/guardian(s) that if he/she continues to abuse this policy, the privileges of purchasing a meal will be refused.
8. The automated call system will notify parents every [*enter time period*] of any outstanding negative balance in the student's lunch/meal account. The food service manager will also will also send home letters each week to parents of students who carry negative balances of \$ \_\_\_\_ and above.
9. All accounts must be settled at the [*enter time period*]. Letters will be sent home approximately \_\_\_\_ days before the [*enter time period*] to students who have any negative balances. Negative balances of more than \$ \_\_\_\_ not paid in full in \_\_\_\_ days prior to the [*enter time period*] will force the District to take action to collect unpaid funds by means of collection agencies, small claims court, or any other legal method deemed necessary by the District.
10. Students who graduate or withdraw from the District and have \$ \_\_\_\_ or more left in their lunch/meal food service account will be notified by mail by food services at the [*enter time period*] and given the option to transfer the funds to another student or to receive a refund. If no response is received within \_\_\_\_ days the student's lunch/meal account will close and the funds will no longer be available. Unclaimed remaining balances will be transferred to \_\_\_\_\_ fund.

Regulation approved:

cps 6/17  
rev 7/21  
rev 5/24

*On January 9, 2025, a federal district court in Kentucky ruled that the 2024 Title IX Regulations “are invalid and must be set aside.” In response, the U.S. Department of Education’s Office for Civil Rights (OCR) issued guidance indicating, “Consistent with the court’s order, the 2024 Title IX regulations are not effective in any jurisdiction.” Districts are advised to discontinue the use of policies and regulations that follow the 2024 Title IX Regulations and resume using policies and regulations that were in place under the 2020 Regulations. In the absence of additional guidance from OCR, districts should consult with their legal teams to assist through this transition and perhaps future changes.*

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment In The Workplace**

The \_\_\_\_\_ Board of Education (the “Board”) prohibits any form of sex discrimination or sexual harassment in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations, which will include Grievance Procedures implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the “Administrative Regulations”).

## Students/Personnel -- Certified/Non-Certified

### Sexual Harassment/Title IX

#### Prohibition of Sex Discrimination and Sexual Harassment In The Workplace (continued)

**Sex discrimination** occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination also occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

**Sexual harassment under Title IX** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### Reporting Sex Discrimination or Sexual Harassment

It is the policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process established in the Administrative Regulations. All complaints are to be responded to in a prompt and equitable manner.

## Students/Personnel -- Certified/Non-Certified

### Sexual Harassment/Title IX

#### Reporting Sex Discrimination or Sexual Harassment (continued)

Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee with a complaint about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The \_\_\_\_\_ Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is \_\_\_\_\_, (*insert name and title.*) Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

**OFFICE ADDRESS:** \_\_\_\_\_

**ELECTRONIC MAIL ADDRESS:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Reporting Sex Discrimination or Sexual Harassment** (continued)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

#### Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).  
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.  
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq.  
Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Conn. Gen. Stat. §46a-54 Commission powers Connecticut  
Conn. Gen. Stat. §46a-60 Discriminatory employment practices prohibited.  
Conn. Gen. Stat. §46a-81c Sexual orientation discrimination: Employment  
Conn. Gen. Stat. §10-153 Discrimination on the basis of sex, gender identity or expression or marital status prohibited  
Conn. Agencies Regs. §§ 46a-54-200 through §46a-54-207

*The grievance procedures in these regulations are legally required.*

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment In The Workplace**

The \_\_\_\_\_ Board of Education (the “Board”) prohibits any form of sex discrimination or sexual harassment in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation.

Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

**Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

**Sexual harassment under Title IX** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education programs or activities; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment In The Workplace**

**Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

#### **Notice of The Title IX Coordinator**

The Board's Title IX Coordinator is \_\_\_\_\_, (*insert name and title.*) Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

**OFFICE ADDRESS:** \_\_\_\_\_  
**ELECTRONIC MAIL ADDRESS:** \_\_\_\_\_  
**TELEPHONE NUMBER:** \_\_\_\_\_

## Students/Personnel -- Certified/Non-Certified

### Sexual Harassment/Title IX

#### Notice of the Title IX Coordinator (continued)

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

*[Note: Additional Persons May Be Added. The federal regulations provide that each recipient of federal financial assistance must designate and authorize "at least one Employee" to coordinate its efforts to comply with its responsibilities under the federal regulations.]*

#### Explanation of Complaint Process and Procedure

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems:

- a grievance process for complaints of sex discrimination involving allegations of sexual harassment; and
- grievance procedures for complaints of sex discrimination that are not sexual harassment.

Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

## Students/Personnel -- Certified/Non-Certified

### Sexual Harassment/Title IX

#### Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

#### Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

##### A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
  - (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or

## Students/Personnel -- Certified/Non-Certified

### Sexual Harassment/Title IX

#### Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

##### Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

###### A. Definitions (continued)

(ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.

E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.

- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **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 working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment In The Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **A. Definitions (continued)**

- **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
- **Supportive measures** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

###### **B. Reporting Sexual Harassment**

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **B. Reporting Sexual Harassment (continued)**

2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

###### **C. Formal Complaint and Grievance Process**

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **C. Formal Complaint and Grievance Process (continued)**

2. (continued) The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
  - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **C. Formal Complaint and Grievance Process (continued)**

4. (continued) If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.
5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **C. Formal Complaint and Grievance Process (continued)**

- 8.(cont) Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **C. Formal Complaint and Grievance Process (continued)**

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
  
12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace** (continued)

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **C. Formal Complaint and Grievance Process** (continued)

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Section.

###### **D. Informal Resolution**

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

##### **E. Appeal Process**

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace** (continued)

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

###### **E. Appeal Process** (continued)

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

###### **F. Dismissal of a Formal Complaint**

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

##### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX** (continued)

###### **G. Miscellaneous**

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding non-discrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX**

##### **G. Miscellaneous (continued)**

5. The District will maintain for a period of seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **A. Definitions**

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX) (continued)**

##### **B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX**

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

##### **C. Grievance Procedures**

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **C. Grievance Procedures (continued)**

2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;
  - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **C. Grievance Procedures (continued)**

6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
  - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
  - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **C. Grievance Procedures (continued)**

- v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
  - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **C. Grievance Procedures (continued)**

9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

##### **D. Miscellaneous**

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

## **Students/Personnel -- Certified/Non-Certified**

### **Sexual Harassment/Title IX**

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

#### **Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)**

##### **D. Miscellaneous (continued)**

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

#### **Section III. Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Copies of these Administrative Regulations will be distributed to all employees.

**Sexual Assault:** An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Rape— (Except Statutory Rape)** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Incest**—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX  
(PERSONNEL)**

*This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sexual harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (PERSONNEL)**

*This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sex discrimination \_\_\_\_\_

Name or names of the sex discriminator(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sex discrimination \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX**

In accordance with the Board’s Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

\_\_\_\_\_ (Complainant(s))  
\_\_\_\_\_ (Respondent(s))

The conduct allegedly constituting sexual harassment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The date and the location of the alleged incident, if known: \_\_\_\_\_

\_\_\_\_\_

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board’s Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowingly submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board’s Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board’s Student Discipline Policy.

**A copy of the Board’s Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.**

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT  
COMPLAINTS UNDER TITLE IX**

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation [*alternatively, could be restorative justice*]. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

\_\_\_\_\_

I voluntarily consent to the informal resolution process:

\_\_\_\_\_

Complainant

\_\_\_\_\_

Date

\_\_\_\_\_

Respondent

\_\_\_\_\_

Date

**[To be posted in a conspicuous place readily available  
for viewing by employees and emailed to employees within three months of hire with the  
subject line "Sexual Harassment Policy" or words of similar import]**

**SEXUAL HARASSMENT IS ILLEGAL**

**AND IS PROHIBITED**

**BY**

**THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT**

**(Section 46a-60(a)(8) of the Connecticut General Statutes)**

**AND**

**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**EXAMPLES OF SEXUAL HARASSMENT INCLUDE:**

UNWELCOME SEXUAL ADVANCES

SUGGESTIVE OR LEWD REMARKS

UNWANTED HUGS, TOUCHES, KISSES

REQUESTS FOR SEXUAL FAVORS

RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

**REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:**

CEASE AND DESIST ORDERS

BACK PAY

COMPENSATORY DAMAGES

PUNITIVE DAMAGES

HIRING, PROMOTION, OR REINSTATEMENT

Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE TITLE IX COORDINATOR **OR THE SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT**. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
[ \_\_\_\_\_ ] REGION OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND  
ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]  
[ADDRESS]  
[PHONE NUMBER]

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

9/24/20

*An optional, sample policy to consider.*

## **Administration**

### **Hiring School Administrators**

The Superintendent, as the chief executive officer of the Board of Education, shall be responsible for the professional leadership and skills necessary to translate the Board's will into administrative action. In fulfilling the Superintendent's responsibilities for all aspects of school operations, the Board recognizes the Superintendent's critical responsibility in leading a highly functional administrative team.

Therefore, in accordance with Connecticut General Statutes, Section 10-151, the \_\_\_\_\_ Board of Education delegates the Superintendent the authority to hire certified, non-administrative and support positions. For administrative and supervisory positions, the Superintendent shall nominate at least one candidate to the Board of Education to fill a vacancy. The vote to approve the position by the Board must occur within fourteen (14) calendar days after the Superintendent's notification of the request to the full Board of Education.

If the Board does not act favorably upon the Superintendent's recommendation within this specified time, the Superintendent shall recommend single alternative candidates until the recommendation is approved.

(cf. 4115 – Evaluation)  
(cf. 2131 – Superintendent of Schools)  
(cf. 2000.1 – Board – Superintendent Relationship)

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)  
10-153 Discrimination on account of marital status.  
10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.  
10-220 Duties of Boards of Education.  
31-126 Unfair Employment Practices.  
46a-60 Discriminatory employment practices prohibited.  
Title IV Equal Employment Opportunities.  
34 C.F.R. 200.55 Federal Regulations.  
P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56.

Policy adopted:  
cps 1/24

# **P.A. 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth**

Page -1-

*(Background Information for Policy Review Committee)*

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In summary, Public Act 24-45, Sections 13 and 14 reduces the maximum number of consecutive days for in-school suspensions from ten (10) to five (5). In addition, it changes the standard for out-of-school suspensions in preschool – 2<sup>nd</sup> grade and shortens the maximum out-of-school suspension for these grades from ten (10) to five (5) days.

Specifically, in Section 13, Subsections (c) and (d) of section 10-233a of the general statutes are repealed and replaced by the following language:

**“In-School Suspension”** means an exclusion from regular classroom activity for no more than five consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.

**“Suspension”** means an exclusion from school privileges or from transportation services only, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.

Section 14, subsection (g) of section 10-233c substitutes the following key points related to in-school and out-of-school suspensions:

- All suspensions shall be In-school suspensions, except the board may authorize the administration to impose an out-of-school suspension. When making such a determination, the administration must consider the following:
  - The student poses a danger to persons or property or such a disruption of the educational process that the student needs to be excluded from school during the period of suspension, or
  - The administration determines that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student.
  - Efforts by the administration to address the concerning disciplinary issues through means other than out-of-school suspension or expulsion, including positive behavioral support strategies have been attempted.
  - For a student in preschool to second grade (preschool-grade 2), if as a result of a hearing the administration determines that an out-of-school suspension is appropriate for the student on evidence that the conduct on school grounds is behavior that causes physical harm.
- Such students are required to receive services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, for such student’s return to school immediately following the out-of-school suspension.
- The administration must consider whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.



# **P.A. 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth**

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## ***(Background Information for Policy Review Committee)***

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- An out-of-school suspension for students in grades 3-12 shall not exceed ten days.
  - An out-school suspension imposed for children in Preschool to second grade shall not exceed five days.
  - An in-school suspension may be served in the school that the pupil attends or any school building under the board's jurisdiction.

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### **The following narrative related to 2015's Public Act 15-96 remains in place:**

The Act prohibits preschool program providers from imposing out-of-school suspensions for their preschool students and establishes expulsion hearing procedures.

Additionally, the Act requires school-based primary mental health programs administered by boards of education to include a component for systematic early detection and screening to identify children experiencing behavioral or disciplinary problems. (Existing law requires the identification of children experiencing early school adjustment problems only.) It also requires the (1) programs to include services to address those problems and (2) Education Commissioner to consider, as an additional factor when awarding school-based primary mental health program grants to boards of education, the number of children enrolled in grades kindergarten to two who experience behavioral, disciplinary, or early school adjustment problems.

### **Out-of-School Suspensions**

#### **Kindergarten through Grade Two Expulsions**

The Act prohibits boards of education from expelling a student enrolled in kindergarten through grade two, unless the student:

1. possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity;
2. possessed such a firearm, instrument, or weapon in the commission of a crime off school grounds; or
3. offered on or off school grounds, a controlled substance for sale or distribution whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell, dispense, offer, or administer is subject to criminal penalties under state law.

As under existing law, such students are subject to expulsion for one calendar year, which the board may reduce on a case-by-case basis for specified reasons. Under current law, kindergarten through grade two students may be expelled for the same reasons as students in grades three through twelve.

#### **Preschool Expulsions**

The Act conforms state law to federal law by requiring boards of education to expel preschool students for one calendar year when the school administration determines during a disciplinary hearing that there is reason to believe that the student possessed a firearm on or off school grounds or at a school-sponsored event. Existing law requires this for students in grades kindergarten through twelve. The new legislation also subjects preschool students enrolled in a state or local charter school or interdistrict magnet school preschool program to the same mandatory expulsion requirement.

# **P.A. 15-96 An Act Concerning Out of School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.**

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## ***(Background Information for Policy Review Committee)***

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The Act allows boards of education, state or local charter schools, and interdistrict magnet schools that offer preschool programs to modify this mandatory expulsion period on a case-by-case basis. It does not establish criteria for modifying the one-year period.

### **Preschool Expulsion Hearing Procedures**

The Act requires preschool expulsion hearings for firearm possession to be conducted by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program, except that it also allows hearings to be conducted by:

1. the local or regional board of education if a regional education service center or a state or local charter school is the program provider, and such providers have an agreement with the board to do so, or
2. an impartial hearing officer established by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program.

The Act generally conforms preschool expulsion hearing requirements to the requirements in existing law for kindergarten through grade twelve expulsion hearings.

The Act prohibits preschool program provider employees from serving as members of impartial expulsion hearing officers but appears to permit local or regional board of education members to serve on an impartial preschool hearing expulsion board. Under existing law for kindergarten through grade twelve students, board of education members cannot be members of an impartial expulsion hearing officer.

Existing law also requires, for a kindergarten through grade twelve expulsion hearing conducted by a board of education, at least three affirmative votes for expulsion before a student can be expelled.

### **Firearms Requiring Expulsion**

The federal Gun Free Schools Act describes the following weapons as firearms that require one calendar year of mandatory expulsion:

1. any weapon that can expel a projectile by the action of an explosive;
2. a firearm frame, receiver, muffler, or silencer; or
3. any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC §921(a)(3)-(4)).

State law currently complies with this mandatory expulsion requirement for grades kindergarten through twelve (CGS §10-233d(a)(2)).

### **Conflicting Preschool Suspension Provisions**

The Act both (1) prohibits boards of education from authorizing any suspensions for preschool

students other than in-school suspensions and (2) permits them to authorize out-of-school suspensions when the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others.

**P.A. 15-96 An Act Concerning Out of School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.**

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*(Background Information for Policy Review Committee)*

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**Policy Implications**

Public Act 24-45 specifically reduces the maximum number of consecutive days for in-school and out-of-school suspension from ten (10) to five (5). Out-of-school suspensions must not exceed five consecutive school days for pre-school to second grade to ten for grades 3-12.

This legislation impacts Policy #5114 – Suspension and Expulsion/Due Process

State statute requires that boards of education adopt a policy pertaining to discipline.

**REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR  
EXPELLED STUDENTS**

***(BACKGROUND INFORMATION FOR POLICY SERVICES)***

~Page 1~

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Connecticut General Statute 10-233d requires boards of education (boards) to offer an alternative educational opportunity to (a) any student under 16 years old who has been expelled; and (b) any student between 16 and 18 years old who has been expelled for the first time, who wishes to continue with his/her education and complies with conditions set by the board. Pursuant to Public Act 17-220, *An Act Concerning Education Mandate Relief*, the State Board of Education was required to adopt standards for the provision of an adequate alternative educational opportunity. Public Act 17-220 notes that the standards must address, but need not be limited to, the kind of instruction and number of hours to be provided to a student enrolled in an alternative educational opportunity.

**C.G.S. 10-233d subsection d:**

(d) Any student under sixteen years of age who is expelled shall be offered an alternative educational opportunity, which shall be equivalent to alternative education, as defined by section 10-74j, with an individualized learning plan, during the period of expulsion, provided any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational program shall not be subject to the provisions of section 10-184. Any student expelled for the first time who is between the ages of sixteen and eighteen and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a student who is at least seventeen years of age in an adult education program pursuant to section 10-69. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under section 10-184. A local or regional board of education shall count the expulsion of a student when he was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such student when he is between the ages of sixteen and eighteen. A local or regional board of education may offer an alternative educational opportunity to a student for whom such alternative educational opportunity is not required pursuant to this section.

**Background**

In 2016, the Connecticut State Department of Education (CSDE) issued its *Guidelines for Alternative Education Settings*, as required by a 2015 law calling for the Connecticut State Board of Education to establish guidelines concerning alternative education programs in general. During the 2016 legislative session, the General Assembly passed a law expanding and more clearly defining the obligation of Local Education Agencies (LEAs) to provide alternative educational opportunities for students who have been expelled in particular. In articulating this obligation, the General Assembly relied on the definition of “alternative education” from the more general alternative education law passed in 2015. Thus, the CSDE reconvened the *Alternative Schools Committee* (ASC) – originally established to help the CSDE develop the *Guidelines for Alternative Education Settings* – to assist in developing guidelines specifically addressing alternative educational opportunities for students who have been expelled.

In 2017, after the reconvened ASC completed its work, the General Assembly further refined the law governing educational opportunities for students who have been expelled – including directing the CSDE to adopt standards for the provision of such alternative educational opportunities. In preparing the standards that follow, the CSDE considered the input provided by the ASC and incorporated the statutory changes resulting from the 2017 legislation.

**REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR  
EXPELLED STUDENTS**

~Page 2~

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**Overview of Legal Requirements**

Connecticut law requires LEAs to offer an “alternative educational opportunity” to students who have been expelled in certain circumstances and further provides that LEAs may offer such an opportunity to any expelled student.

**A. When an Alternative Educational Opportunity is Required**

Under Section 10-233d of the Connecticut General Statutes (C.G.S.), LEAs are required to offer an alternative educational opportunity to:

1. Any student under 16 years old who has been expelled (regardless of the reason); and
2. Any student between 16-18 years old who has been expelled for the first time and wishes to continue his or her education if the student complies with conditions established by the LEA.

**B. The Alternative Educational Opportunity Requirement**

In preparing these standards, the CSDE recognized that many districts offer alternative education programs that may be appropriate for students who have been expelled. The CSDE also understands the recent legislation in this area to have confirmed the importance of making individualized assessments concerning the appropriate educational programming and setting for each student – as is expected with any placement of a student into an alternative education program. Thus, the standards require a determination concerning appropriate programming and the development of an individualized learning plan (ILP) for all students who have been expelled.

To ensure proper implementation of the laws concerning alternative education (C.G.S. Sections 10-74j and 10-74k) and expulsions (C.G.S. Section 10-233d, as amended by Public Act 17-220), the CSDE has concluded that an LEA has the following options when determining an appropriate alternative educational opportunity for a student who has been expelled:

1. The LEA may offer the student enrollment in an alternative education program operated by the LEA if the program is appropriate for the student under the standards set forth below; **OR**
2. The LEA may provide a different alternative educational opportunity in accordance with the standards set forth below (including through an alternative education program offered by another LEA or operator).

The CSDE expects that, in most cases, LEAs will determine that enrollment in an alternative education program (operated by the LEA or by another provider) is the appropriate alternative educational opportunity for a student who has been expelled. However, the CSDE recognizes that there may be unusual cases in which placement in such a setting would not be suitable or in

which such a setting may not be available. LEAs should use the following standards in making an individualized determination of the appropriate alternative educational opportunity for each student who has been expelled and is entitled to an alternative educational opportunity under C.G.S. Section 10-233d.

**REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR  
EXPELLED STUDENTS**

~Page 3~

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While LEAs must offer an alternative educational opportunity to eligible students who have been expelled, parents/guardians are not required to enroll their child in such an opportunity. Thus, if a parent or guardian of a child who has been expelled chooses not to enroll his or her child in an alternative educational opportunity, the parent/guardian is not subject to the provisions of C.G.S. Section 10-184 concerning compulsory school attendance.

**Standards for Alternative Educational Opportunities**

*(Adopted by State Board of Education – January 3, 2018)*

**Guiding Principles**

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

**Student Placement**

If a decision to expel occurs, it is expected that the LEA will then take the following steps:

- Meet with the student’s parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.
- The educational programming and placement during the period of expulsion for students who receive special education and related services under the Individuals with Disabilities Education Act (IDEA), should be determined by the students’ Planning and Placement Team (PPT) in accordance with IDEA.

**REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR  
EXPELLED STUDENTS**

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- Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
- After parents/guardians have been informed and the appropriate school personnel have shared information regarding the student, all alternative educational opportunities are explored at a placement meeting. The placement decision should be made at this meeting.
- At the time of expulsion, parents/students should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education (BOE) or Superintendent (if the BOE delegates this authority to the Superintendent) under C.G.S. Section 10-233d(j). Any criteria for early readmission to the school from which the student has been expelled should be recorded in the individualized learning plan (ILP) defined below.

**Individualized Learning Plan (ILP)**

Once the student is admitted to an alternative education placement due to expulsion, an ILP must be developed to govern the programming for the student for the period of the expulsion. Through collaboration among school personnel, the student and the parent/guardian, an ILP will be developed to inform and direct the student's learning goals and activities for the duration of the expulsion.

The ILP will reference student records with information relevant to the provision of an alternative educational opportunity, such as student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data. For students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP. The ILP must address the following:

- The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions. Include the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
- Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. Such progress must be

communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;

## **REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS**

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- Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.

### **Review of Student Placement**

To ensure that the student is receiving the necessary supports and that continued placement in the alternative educational opportunity is appropriate during the expulsion period, LEAs must have a clear process that is written in policy regarding monitoring the student's progress.

### **Progress Monitoring of Student Performance and Placement**

A review of the appropriateness of placement occurs at least once per marking period. The following issues are to be considered:

- A review of the student's ILP to assess progress and to make adjustments as necessary;
- Opportunities for early readmission to the school from which the student was expelled shall be reviewed as indicated by the readmission goal outlined in the ILP; and
- A review of the student's ILP and alignment to the goals of his/her IEP, where applicable.

### **Process for Transition Planning**

It is expected that, in most cases, students are best served in regular school environments with their peers and thus should be able to be readmitted to the school from which the students were expelled, as soon as possible. The LEA must adopt procedures to address students' transition from the alternative educational opportunity back to their regular school environments. As a part of the readmission process and the student's ILP, the following should be considered:

- Efforts to readmit students at semester start points at the high school level to facilitate reentry;
- A plan to transfer the student's credits and record back to the school from which the student was expelled;
- The student's needs for academic and other supports upon return to the home school environment; and
- Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.

If there is a determination that placement in the current alternative educational opportunity is no longer beneficial to a student who has been expelled but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined in the Student Placement section (subsections: Expulsion Placement and Process for Placement).

# REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

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## Policy Implications

~~The new standards pertaining to the providing of an alternative educational opportunity for expelled students mark significant changes from that which was previously considered the norm. In a report presented to the Connecticut State Board of Education in December 2017 it was indicated that 46 percent of expelled students get homework assignments and nothing else while on expulsion. Another 14 percent get tutoring and 23 percent are put into an alternative education setting. The report indicated that nearly one in ten gets nothing. This report was based on information provided by districts.~~

As previously described in this narrative, school districts, utilizing one of two options, must provide an alternative educational opportunity that complies with the required 900 hours/180 days of instruction that applies to alternative education programs per C.G.S. 10-74j or, under the newly adopted Standards, the alternative education experience opportunity must be a “full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment.” ~~The traditional ten hours of tutoring per week for an expelled student will no longer be sufficient. Therefore, the specificity of the new Standards pose potentially costly and time consuming requirements for school districts.~~ The new requirement for an Individualized Learning Plan (ILP) are reminiscent of the IEP requirements for a special education student in terms of placement information, progress reports, meetings etc.

An important clarification, however, is that the determination of the appropriate alternative educational opportunity is not the responsibility of the board of education. The Standard requires the school staff to meet with parents/guardians of the expelled student after an expulsion to review the alternative education opportunity options and to establish the student’s alternative educational opportunity, in concert with the amended statute and the Standards.

CABE’s model policy #5114 contains the following language:

“--and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set forth by the Board of Education, must be offered an alternative educational opportunity.”

The statutorily required adopted Standards by the State Board of Education contain detailed language which enumerate the requirements to be fulfilled by local school districts when meeting the obligation to provide an alternative educational opportunity for an expelled student. It is believed that such content does not need to be made a part of the board’s policy pertaining to expulsion. The language listed above is believed sufficient.

The Standard’s requirements can be enumerated in an appendix to the district’s policy.

A detailed appendix pertaining to the actions required on this issue has been developed and follows for your consideration.

**April 2018**

**Revised July 2024**

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# **P.A. 16-147: An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee**

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*(Background Information for Policy Sub-Committee)*

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This Act made several changes affecting juvenile detention and other juvenile justice matters, children returning to school after a juvenile justice placement and other school disciplinary and related matters.

The Act made various changes affecting public schools, such as:

1. requiring schools to offer an alternative educational opportunity to a larger category of expelled students;
2. eliminating a child's truancy as permissible grounds for a family with service needs complaint;
3. requiring schools with a disproportionately high truancy rate to implement an approved intervention model; and
4. requiring the State Department of Education (SDE), in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and addressing educational deficiencies among children in the juvenile justice system.

The Act also includes provisions on, among other matters, police training, a recidivism reduction framework, and training on and monitoring of de-escalation efforts.

A review of the portions of the Act pertaining to schools follows.

## **§§7-9 – Truancy**

### ***Family with Service Needs***

The Act eliminates, from the permissible grounds for a family with service needs (FWSN) complaint, a child being a truant, habitual truant, or continuously and overtly defying school rules and regulations. It makes corresponding changes by *eliminating requirements that*:

1. school notices on unexcused absences for K-8 students contain a warning that a specified number of such absences may lead to a FWSN complaint; and
2. superintendents file a FWSN complaint within 15 calendar days after a parent or other person with control of a child (a) fails to attend a meeting with school officials to discuss the child's truancy or (b) otherwise fails to cooperate in addressing the child's school absences.

(Under existing law, a student is a truant if he or she has four unexcused absences in a month or 10 unexcused absences in a school year.)

**The effective date of this portion of the Act was August 15, 2017.**

# **P.A. 16-147: An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee**

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## ***Effective Truancy Intervention Models***

The Act required SDE to identify effective truancy intervention models for school boards to implement as set forth below. By August 15, 2017, SDE was required to make available a list of the models it approved.

Existing law requires school boards to adopt and implement policies and procedures on truancy. The Act required the policies and procedures to include, **by August 15, 2018**, implementing an approved truancy intervention model at any school with a disproportionately high truancy rate. The Commissioner of Education must determine which schools have such a truancy rate.

## **§12 – School Expulsion**

The Act made various changes concerning school expulsion. By law, an “expulsion” is the exclusion from school privileges for between 11 days and one year.

### ***Notice of Hearing and Right to an Attorney or Advocate***

By law, except in emergencies, a school board must hold a formal hearing before expelling a student. If the student is a minor, the school board must give the parent or guardian notice of the hearing.

The Act requires school boards to provide the notice to the student’s parent or guardian at least five business days before the hearing. It requires the notice to include information on the parent’s or guardian’s and student’s legal rights. The law already requires the notice to include information on free or low-cost legal services and how to obtain them.

The Act specifies that an attorney or advocate may represent any student subject to expulsion proceedings. It allows the parent or guardian to postpone the hearing for up to one week to provide time to find representation, except in emergencies.

Under existing law and the Act, in an emergency, the hearing must be held as soon after expulsion as possible. An emergency is when the student’s continued presence poses such a danger or disruption as to require a pre-hearing exclusion from school, with the hearing held as soon as possible after the exclusion.

### ***Alternative Education for Expelled Students***

Existing law requires school boards to offer an alternative educational opportunity to expelled students under age 16. Generally, students between ages 16 and 18 who are expelled for the first time must also be offered this opportunity, if they comply with conditions set by the school board.

The Act applies an existing definition of “alternative education” to these provisions. Under this definition, an alternative education is a school or program maintained and operated by a school board that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral, and academic needs. Such program must conform to SBE guidelines and be provided in accordance with C.G.S. 10-15 and 10-16 (180 days/900 hours).

# **P.A. 16-147: An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee**

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Under the Act, school boards must offer an individualized learning plan as part of the alternative education for expelled students under age 16. (The statute does not define “individualized learning plan.”)

The Act also expanded the category of expelled students who must be offered an alternative educational opportunity. It does so by repealing a provision that allows school boards to deny this opportunity to a student between ages 16 and 18 who is expelled for conduct that endangered others and involved the following, on school grounds or at a school-sponsored event:

Therefore, students between the ages of 16-18 who are expelled for (1) possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon; or (2) offering an illegal drug for sale or distribution. must be offered an alternative educational opportunity if it is the students first expulsion.

## ***Reports to Police***

Under current law, if a student is expelled for possessing a firearm or deadly weapon, the school board must report the violation to the local police, or the State Police if the student was enrolled in a technical high school. The Act specifies that this reporting requirement also applies to expulsions for possessing dangerous instruments or martial arts weapons. (Generally, “dangerous instruments” are those that can be used to cause death or serious physical injury.)

## ***Returning to School After Placement in the Juvenile Justice System***

Under the Act, if a student who committed an expellable offense was not expelled and is seeking to return to school after participating in a diversionary program, the school district must (1) allow the student to re-enroll and (2) not expel the student for additional time for the offense. This already applies to such students seeking to re-enroll after placement in a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement.

**The effective date of these changes pertaining to expulsions was August 15, 2017.**

## **Policy Implications**

The policies impacted by the portions of this legislation pertaining to schools are:

1. Policy #5113 - Attendance/Excuses/Dismissal\*
2. Policy #5113.2 - Unexcused Absences /Truancy\*
3. Policy #5114 - Suspension and Expulsion/Due Process\*\*

\*Districts are mandated to have a policy pertaining to truancy, which can be fulfilled by either #5113 or #5113.2, depending on the language contained within the policy.

\*\*Districts are mandated to have a policy pertaining to student discipline.

**Revised November 2016**

**Revised July 2024**

*CABE's newest version of this policy.*

## **Students**

### **Suspension and Expulsion/Due Process**

The \_\_\_\_\_ Board of Education is committed to creating a safe, orderly, and supportive learning environment for all students, staff, and visitors. This policy aims to balance the necessity of maintaining safety and order within our schools while adhering to progressive discipline and restorative practices, which seeks to address and correct inappropriate behavior while promoting accountability, personal growth, and the repair of harm.

Students are expected to comply with school rules and Board policies and may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive to the educational process and violates Board policy.

### **Policy Objectives**

1. **Ensure Safety and Order:** Maintain a secure and disciplined school environment conducive to learning and free from violence, threats, and disruptive behaviors.
2. **Promote Equity and Fairness:** Apply disciplinary measures in an equitable, consistent, and unbiased manner, ensuring that all students are treated with dignity and respect.
3. **Support Progressive Discipline:** Implement a progressive discipline model that focuses on intervention and prevention strategies to address and correct student behavior before it escalates.
4. **Implement Restorative Practices:** Incorporate restorative practices that emphasize accountability, reparation of harm, and the restoration of relationships within the school community.
5. **Encourage Personal Responsibility:** Foster a sense of personal responsibility and self-discipline in students, helping them to understand the consequences of their actions and to make better choices in the future.
6. **Engage Families and Communities:** Involve parents, guardians, and community members in the disciplinary process to support students in their behavioral and academic growth.

### **Policy Guidelines**

1. **Clear Expectations and Communication:**
  - Establish and communicate clear behavioral expectations and the consequences of violating them.

- Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

## Students

### Suspension and Expulsion/Due Process

#### Policy Guidelines (continued)

##### 2. **Progressive Discipline Framework:**

- Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.
- Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

##### 3. **Restorative Practices:**

- Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.
- Encourage students to take responsibility for their actions and to actively participate in the resolution process.

##### 4. **Consistent and Fair Application:**

- Ensure that disciplinary measures are applied consistently and fairly across all student populations.
- Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

##### 5. **Supportive Interventions:**

- Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.
- Develop individualized behavior plans for students with recurring or severe behavioral issues.

##### 6. **Engagement and Collaboration:**

- Engage families in the disciplinary process through regular communication and involvement in restorative practices.
- Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

##### 7. **Training and Professional Development:**

- Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.

- Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

## Students

### Suspension and Expulsion/Due Process

#### Policy Guidelines (continued)

#### Review and Accountability

The \_\_\_\_\_ Board of Education will regularly review the effectiveness of its discipline policy, incorporating feedback from students, staff, parents, and the community. Data on disciplinary actions and their outcomes will be collected and analyzed to ensure continuous improvement and the achievement of policy objectives.

By adopting this balanced approach to discipline, the \_\_\_\_\_ Public School District aims to create a school environment where all students can learn, grow, and succeed while feeling safe and supported.

#### A. Definitions

1. **“Exclusion”** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **“Removal”** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **“In-School Suspension”** means an exclusion from regular classroom activity for no more than five consecutive days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.
4. **“Suspension”** means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve) shall be excluded from school

during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

## Students

### Suspension and Expulsion/Due Process

#### A. Definitions (continued)

##### 4. Suspension (continued)

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.

Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent or guardian of the student shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a

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

7. **“Days”** is defined as days when school is in session.
8. **“School-sponsored activity”** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.

## Students

### Suspension and Expulsion/Due Process

#### A. Definitions (continued)

10. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.
11. **“Firearm”** as defined in 18 U.S.C. §921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. A “destructive device” does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
12. **“Vehicle”** means a **“motor vehicle”** as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **“Martial arts weapon”** means a nunchaku kama, Kesari-fundo, octagon sai, tonfa, or Chinese star.
14. **“Dangerous Drugs and Narcotics”** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
15. **“Alternate education”** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to SBE guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).
16. **“Dangerous Instrument”** means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle” or

a dog that has been commanded to attack.

17. **“Seriously disruptive of the educational process”** means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

## Students

### Suspension and Expulsion/Due Process (continued)

#### B. Removal from Class

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3).
4. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon the request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

#### C. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete

exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

## **Students**

### **Suspension and Expulsion/Due Process**

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

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

## Students

### Suspension and Expulsion/Due Process

#### **D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion** (continued)

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term “drugs” shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as “bongs,” pipes, “roach clips,” vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

## Students

### Suspension and Expulsion/Due Process

#### D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.

31. Hazing.

## Students

### Suspension and Expulsion/Due Process

#### D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
- a) causes physical or emotional harm to such student or damage to such student's property;
  - b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c) creates a hostile environment at school for such student;
  - d) infringes on the rights of such student at school; or
  - e) substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.

37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

## Students

### Suspension and Expulsion/Due Process (continued)

#### E. Scope of the Student Discipline Policy

##### a. Conduct on School Grounds or at a School-Sponsored Activity

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or violates a publicized policy of the Board.

##### b. Conduct off School Grounds

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In determining whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the illegal use of drugs.

#### F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921\*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
2. Such a student shall be expelled for one calendar year if the Board of Education

or impartial hearing officer finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.

3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.

## Students

### Suspension and Expulsion/Due Process

#### F. Mandatory Expulsion (continued)

4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, black jack, bludgeon or metal knuckles.
5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

#### G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14)

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student in:

1. Grades three to twelve, inclusive, if, resulting from a due process hearing:
  - a. The administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension;
  - b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:
    - i. Previous disciplinary problems that have led to suspensions or expulsion of such student, and
    - ii. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; **or for grades preschool to two if during the due process hearing:**
2. The administration determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that causes physical harm;
3. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school

suspension; and

*\*A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.*

## Students

### Suspension and Expulsion/Due Process

#### G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

4. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

An out-of-school suspension shall not exceed ten school days for students in grades 3-12.

An out-of-school suspension shall not exceed five school days for children in preschool through 2 grade.

An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board.

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

If an emergency situation exists, the hearing outlined in paragraph G (3) shall be held as soon as possible after the exclusion of the student.

5. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.
6. Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.

7. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))**

8. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.
9. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

#### **H. Expulsion Procedures**

1. The Board of Education may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board of Education, such disciplinary action is in the best interest of the school system.
2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice, at least five (5) business days before such hearing, to the student and his parents or guardian, if said student is less than 18 years of age, conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the student's and his/her parent's/guardian's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service a source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
3. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.  
  
Alternatively, the Board may appoint an impartial hearing officer composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.
4. A special education student's handicapping conditions shall be considered before

making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.

## **Students**

### **Suspension and Expulsion/Due Process**

#### **H. Expulsion Procedures (continued)**

5. The procedure for any hearing conducted under this paragraph shall at least include the right to:
  - a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;
  - b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;
  - c. The opportunity to be heard in the student's own defense;
  - d. The opportunity to present witnesses and evidence in the student's defense;
  - e. The opportunity to cross-examine adverse witnesses;
  - f. The opportunity to be represented by counsel at the parents'/student's own expense; and
  - g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
  - h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language;
  - i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.
6. The record of the hearing held in any expulsion case shall include the following:
  - a. All evidence received and considered by the Board of Education;
  - b. Questions and offers of proof, objections and ruling on such objections;
  - c. The decision of the Board of Education rendered after such hearing; and
  - d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any or if not transcribed, any

recording or stenographic record of the hearing.

## Students

### Suspension and Expulsion/Due Process

#### H. Expulsion Procedures (continued)

7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:
  - a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;
  - b. The Board of Education shall give effect to the rules of privilege by law;
  - c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  - d. Documentary evidence may be received in the form of copies or excerpts;
  - e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
  - f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;
  - g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
  - h. Decisions shall be in writing if adverse to the student, and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

8. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **I. Notification**

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy.
2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services. The notification shall reference the maximum number of suspension days before the expulsion days proceed. 5 consecutive days for students in pre-school to second grade, 10 consecutive days for students in grades 3-12, a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

#### **J. Stipulated Agreements**

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation.

If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described

above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

## Students

### Suspension and Expulsion/Due Process (continued)

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

If the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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

**A. Suspension of IDEA students**

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

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

**B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students**

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

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by

mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.

2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made.

## Students

### Suspension and Expulsion/Due Process

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

**B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students** (continued)

The student’s PPT shall consider the relationship between the student’s disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student’s behavior was a manifestation of his/her disability.

3. If the student’s PPT finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student’s PPT finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

**C. Transfer of IDEA Students for Certain Offenses:**

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

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

2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

## Students

### Suspension and Expulsion/Due Process

#### L. **Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)** (continued)

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

1. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
4. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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

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

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

## Students

### Suspension and Expulsion/Due Process

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

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

#### **N. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center**

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

#### **O. Alternative Educational Opportunity**

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled, an alternative educational opportunity which shall be equivalent to alternative education, as defined, by C.G.S. 10-74j with an individualized learning plan, (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17), which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion.

Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who

wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. other than the one from which the student has been excluded.

## Students

### Suspension and Expulsion/Due Process

#### **O. Alternative Educational Opportunity** (continued)

Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to any such adult education program or placement of such student in a regular classroom program of a school

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary issues which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.

If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

#### **P. Other Considerations**

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.



## Students

### Suspension and Expulsion/Due Process

#### P. Other Considerations (continued)

2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
3. If a student in grades preschool to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
4. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S.10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.
5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.
7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education/Superintendent of Schools (choose which). Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local Board of Education. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Q. Change of Residence During Expulsion Proceedings (continued)

##### A. Student moving into the school district

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

##### B. Student moving out of the school district:

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

#### R. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

- D. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes  
4-176e through 4-180a. Contested Cases. Notice. Record, as amended  
10-74j Alternative education (PA 15-133)  
10-222d Safe school climate plans. Definitions. Safe school climate assessments.  
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220, and PA 19-91.  
10-233l Expulsion and suspension of children in preschool programs  
19a-342a Use of electronic nicotine delivery system or vapor product prohibited.  
29-38 Weapons in vehicles  
53a-3 Definitions.  
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.  
53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.  
53-206 Carrying of dangerous weapons prohibited.  
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
Title III - Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence)

## Students

### Suspension and Expulsion/Due Process (continued)

Legal Reference: (continued)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994

P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.

*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq.

18 U.S.C. §921 – Definitions of “firearms”

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

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

21 U.S.C. §812(c) – Identifying “controlled substances”

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14

Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12

Policy adopted:

rev 7/19

rev 7/24

## Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5114 by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

### Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by exercising one of the following two permissible options.

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan IF the district provides such alternative education, *(use of this option requires the alternative education program to comply with C.G.S. 10-74j which requires adherence to C.G.S. 10-15 and 10-6 requiring a minimum of 180 days and 900 hours of actual school work per year)* and the program is appropriate for the student. **OR**
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator. *(A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)*

### State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE “expects that, in most cases, school districts will determine that enrollment in an alternative education program...is the appropriate alternative educational opportunity” for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be “unusual cases” where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be “full-time” and “comprehensive,” and such opportunity for learning is comparable to a regular school setting. *(This provides the district that does not provide placement for the expelled student in alternative educational program some flexibility in developing an alternative educational opportunity that provides comparable learning opportunities for the expelled student)*

*without dictating a certain number of minimum instructional hours, but, per the Standards, must be “full-time” and “comprehensive.”)*

5. Assignment to homebound instruction will not satisfy the “Guiding Principles” of the Standards.

## **Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled**

### **Guiding Principles**

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

## **Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled**

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)). *(The criteria for early readmission should be recorded in the individualized learning plan (ILP)).*
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement. *(Such meeting can take place directly after the expulsion hearing.)*

4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.

5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
  - Information pertaining to the student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
  - Benchmarks to measure progress towards the goals and progress towards graduation. *(This will include monitoring attendance, work completion, and progress toward meeting the coursework’s academic standards.)*
  - Reviewing the student’s progress and communicating that progress to parent/guardian or student. *(What would be done for students generally.)*
  - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
  - Language pertaining to the possibility of early readmission to the school from which the student was expelled.
7. Monitor progress of student performance and placement. *(This must be done and documented at least once per marking period, review of the student’s ILP and make any needed adjustments.)*
8. Adopt procedures to address a student’s transition from an alternate educational opportunity to the student’s regular school. *(The criterion for readmission is the completion of the expulsion period.)*

**Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity**

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
  - a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
  - b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue his or her education shall be offered such an alternative educational opportunity. *(The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.)*

- c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.

- d. Other considerations:
  - i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
  - ii. A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.
  - iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
  - iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
  - v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
  - vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
  - a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.
  - b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)
3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

5. Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.
  - a. Explore all alternative educational opportunities at this meeting.
  - b. The placement decision should be made at this meeting.
  - c. Other considerations:
    - i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent (*if the BOE delegates this authority to the Superintendent under C.G.S. Section 10-233d(j)*).
    - ii. Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).
6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
  - a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.
  - b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
  - c. Reference student records with information relevant to the alternative educational opportunity. (*student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
  - d. The student's ILP is to contain:
    - i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
    - ii. The student's core classes at the time of expulsion;
    - iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
    - iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
    - v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student; (*For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable.*)
      - The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.

- vi. Such progress to be communicated to the parent/guardian and/or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;
  - vii. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
  - viii. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.
  - ix. A process for transition planning based upon the following considerations:
    - Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
    - A plan to transfer the student's credits and record back to the school from which the student was expelled;
    - The student's needs for academic and other supports upon return to the home school environment; and
    - Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.
7. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.
8. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.

## **Procedures for Alternative Educational Opportunities for Expelled Students**

### **Applicability of these Administrative Regulations**

These procedures apply in cases when, pursuant to state law, a District student school is entitled to an alternative educational opportunity during an expulsion.

### **Responsible Personnel**

The building principal or his/her designee of the school from which the student has been expelled, is responsible for compliance with these procedures relative to the student who is being provided with the alternative educational opportunity.

### **Student Placement Procedures**

- A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:
  - a. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
  - b. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
  - c. After placement options have been shared with the parent(s)/guardian(s), a placement meeting is to be convened to explore all alternative educational opportunities and a placement decision is made.
- B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, the above procedural steps (Section "A" shall not apply.)

## **Individualized Learning Plan**

### **A. Development of the Individualized Learning Plan**

After student placement into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the student’s school, the student and the parent/guardian, and all relevant student records will be reviewed.

### **B. Contents of the Individualized Learning Plan**

- a. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
  - i. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
  - ii. Individualized education program (“IEP”);
  - iii. Section 504 Plan;
  - iv. Individualized health care plan or emergency care plan; and/or
  - v. Other relevant academic and behavioral data.
- b. The ILP will address the following:
  - i. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
  - ii. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
  - iii. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

- iv. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- v. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

**Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan**

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
  - a. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
  - b. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

**Transition Plan for Readmission**

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
  - a. Efforts to readmit the student at a semester starting point (at the high school level);
  - b. A plan to transfer the student's credits and records back to the school from which the student was expelled:
    - i. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
    - ii. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
  - c. The student's need for academic and other supports upon returning to his/her school; and
  - d. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with these procedures.

Legal References: Connecticut General Statutes:  
10-233d Expulsion of students

Federal law:  
Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).  
Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).



5114  
APPENDIX A  
LETTER

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the  
Connecticut Association of Boards of Education, Inc.

**[BOE LETTERHEAD]**

*(Date)*

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL**

*(Parent)<sup>1</sup>*

*(Parent's Address)*

*(Non-custodial Parent, if applicable)*

*(Parent's Address)*

***Re: Expulsion Hearing Concerning Student Name; d.o.b.***

Dear *(Parent/Guardian)*:

In accordance with the *(name of district)* Board of Education Policy *(policy # & title)*, I am writing to advise you that the *(name of district)* Board of Education (the "Board") will hold a formal hearing concerning your *(child)*, *(Name of Student)* to consider the recommendation of *(name of administrator)* that *(he/she)* be expelled from school. ***[In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], Shipman & Goodwin LLP, to serve as an impartial hearing officer in this matter.]*** This hearing is being held pursuant to Section 10-233d and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the *(name of district)* Board of Education Policy *(policy # & title)*, a copy of which is enclosed. The Board ***(OR the hearing officer)*** intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your *(child)* violated Board Policy ***(cite Student Discipline Policy number and any other specific policy number on date)***, by engaging in the following conduct:

***(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.***

***Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).***

***(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).***

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<sup>1</sup> If the student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s).



5114  
APPENDIX A  
LETTER  
(continued)

*(If the student has admitted to this conduct, note the admission here).*

The hearing has been scheduled for *(date, time, place)*. (this notice must be given to the students/parents/guardian at least five (5) business days before the hearing.) You and your *(son/daughter)* are asked to attend this hearing. Your *(child)* has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board *(OR the hearing officer)* may also question witnesses. An opportunity will also be given for the administration and your *(child)* or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

(If a manifest determination must be held prior to the expulsion hearing, add the following language: "Prior to the expulsion hearing, your son's/daughter's PPT team or Section 504 Team will determine if your child's conduct constitutes a manifestation of his/her disability." The expulsion hearing will be cancelled if the PPT or Section 504 Team determines that the conduct was a manifestation of your child's disability, otherwise, the hearings will proceed as scheduled.

You have the right to have the hearing postponed for up to one week to allow time to obtain representation except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board *(OR the hearing officer)* has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your *(child)* has a right to be represented, at your own expense, by legal counsel or other advocate at the expulsion hearing, has the right to cross-examine administration witnesses and may present relevant evidence, both documentary and testimonial, concerning the allegations. Obtaining an attorney or other representative is the responsibility of the family. Very low income families may be able to obtain free advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your *(child)* is expelled as a result of the scheduled hearing, and your *(child)* is between the ages of sixteen (16) and eighteen (18) and has not been expelled before, the Board shall offer to your *(child)* an alternative educational opportunity if she/he wishes to continue her/his education. Please be aware that the Board is not required to offer an alternate educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have been previously expelled or to students eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,  
*(Name of Superintendent)*  
*(Name of District)* Public Schools

cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education  
*(Name of Special Education director)*  
*(Name of Principal at school that student attends)*  
*(Name of Board of Education Attorney, where applicable)*  
*(Name of Administration's Attorney, where applicable)*

**5114**  
**Appendix B**  
**AGREEMENT**

**AGREEMENT**

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENTS (the parents of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from \_\_\_\_\_ School:

1. NAME OF STUDENT (D.O.B. \_\_\_\_\_) is currently enrolled as a \_\_\_\_\_ grade student at \_\_\_\_\_ School.
2. NAME OF STUDENT admits that he/she engaged in the following conduct on or about \_\_\_\_\_, 20\_\_:
3. NAME OF STUDENT's conduct, as described above, violates \_\_\_\_\_ Board of Education Policy \_\_\_\_\_ (Student Discipline). (Cite other policies as appropriate. State whether such conduct is considered to endanger persons or be seriously disruptive of the educational process.) (If the student has admitted to this conduct, note the admissions here.)
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. A manifestation determination was made on \_\_\_\_\_ (date) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability. (optional for student with disabilities)
6. Subject to the approval of the \_\_\_\_\_ Board of Education (the "Board"), NAME OF STUDENT shall be expelled from school, effective \_\_\_\_\_, 20\_\_ and continuing through \_\_\_\_\_, 20\_\_, under the following conditions:
  - a. During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education program deemed appropriate by the Administration, in accordance with the standards adopted by the State Board of Education. The student and his/her parent(s)/guardian(s) acknowledge that C.G.S. 10-233d provides that the District will provide, during the expulsion period, an alternative education, defined in C.G.S. 10-74j, with an individualized learning plan, if the District provides such alternative education,

**OR**

In lieu of a statutory alternative educational opportunity, the student and his/her parent(s)/guardian(s) agree that the District will provide said student with an alternative educational opportunity as follows. (Describe the alternative educational opportunity agreed to by the parties.)

**Appendix B**  
**AGREEMENT**

(continued)

- b. During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, with the sole exception of his participation in the alternative education program.
- c. Prior to \_\_\_\_\_, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level in the alternative educational program, for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about \_\_\_\_\_.
- d. If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through \_\_\_\_\_, without the need for any further proceedings before the Board.
- (optional section for expungement if this is the student's first expulsion):***
- e. Prior to \_\_\_\_\_, the Superintendent will review NAME OF STUDENT's conduct, attendance, and effort level since the expulsion, in order to determine, in the Superintendent's sole discretion, whether the record of the expulsion hearing should be expunged from the student's educational record as of \_\_\_\_\_.
7. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
8. NAME OF STUDENT and HOME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to C.G.S. 10-233d and Board policy, NAME OF STUDENT, is entitled to an expulsion hearing before the \_\_\_\_\_ Board of Education to contest said student's proposed expulsion. The student and his/her parent(s)/guardian(s) understands and acknowledge that at such hearing the student

and his/her parent(s)/guardian(s) would have the right to call witnesses, to introduce documentary evidence, to cross examine Administration witnesses and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive said student's right to an expulsion hearing pursuant to (C.G.S. 10-233(d)).

**5114**  
**Appendix B**  
**AGREEMENT**  
(continued)

9. The Superintendent, NAME OF STUDENT and NAME OF PARENT understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
10. NAME OF STUDENT and NAME OF PARENT enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

\_\_\_\_\_  
NAME OF SUPERINTENDENT  
Superintendent of Schools

Date: \_\_\_\_\_

\_\_\_\_\_  
NAME OF STUDENT  
Student

Date: \_\_\_\_\_

\_\_\_\_\_  
NAME OF MOTHER and/or  
NAME OF FATHER  
Parents of NAME OF STUDENT

Date: \_\_\_\_\_

*Suggested sample regulation.*

## **Students**

### **Suspension and Expulsion/Due Process**

#### **Suspension**

When the Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant. An out-of-school suspension shall not exceed ten days for students in grades 3-12 and not exceed five days for children in pre-school to 2<sup>nd</sup> grade.
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) not later than twenty-four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty-four hours of the commencement of the suspension.
6. Following a conference with the Principal or designee the parent or guardian may request the Superintendent to review the Principal's decision. Such review shall be completed and a written report issued to the student and parent or guardian, and to the Board of

Education, within three (3) days of the receipt of such request. In examining the Principal's decision to suspend, the Superintendent shall obtain oral or written statements from the Principal or designee, the student, and the person(s) who witnessed and reported the incident(s) which resulted in the suspension. The Superintendent may call all concerned parties together for a conference, and take whatever other action is needed to determine the true facts of the matter.

7. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Suspension (continued)

8. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during suspension.
9. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
10. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school, except if such notice of expulsion is based on possession of a firearm or deadly weapon.
11. All suspensions shall be in-school suspensions unless the administration (1) determines that the student, in grades three through twelve, inclusive, being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

A student in grades preschool through grade two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

12. The administration will use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.
13. In-school suspension will be served in the school attended by the student. (or: In-school suspensions will be served by assigning the suspended student to one of the following schools: \_\_\_\_\_.)

14. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

**R5114(c)**

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **Suspension (continued)**

The foregoing procedure will be followed unless the student has had a total of ten (10) suspensions during the current school year, or has been suspended for a total of fifty (50) days during the current school year. If the student's proposed suspension would exceed either figure the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion. If the Principal has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process or is in violation of a Board policy, expulsion may be recommended.

#### **Expulsion**

The Board of Education or an impartial hearing officer, as defined in C.G.S. 10-233d, may expel any student in grades three through twelve, inclusive, whose conduct on school grounds or at a school sponsored activity has been found to be both violative of a Board policy and either seriously disruptive of the educational process or endangers persons or property.

In making a determination as to whether conduct is “seriously disruptive of the educational process,” the administration, Board of Education or impartial hearing officer may consider, but such consideration shall not be limited to; (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Section 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.

2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines the student should be expelled, the Superintendent shall forward such request to the Board of Education within five days, (for pre-school – grade 2), after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
  - A. The student and parent or legal guardian must be given notice at least five business days prior to the date of the hearing.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Expulsion (continued)

- B. The notice shall contain:

The date, time and place of the scheduled hearing.

The details of the grounds for the expulsion, including a narrative of the events leading to the expulsion, the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion, including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, and the proposed penalty.

A statement of the student's, parent's/guardian's rights.

A statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled. A student between the ages of 16 and 18 who is expelled for the first time and who complies with conditions set by the Board will be offered an alternative educational opportunity that is equivalent to "Alternative Education" as defined in Section 10-74, with an individualized learning plan.

- C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

- D. A student may be represented by any third party of his/her choice, including an attorney. The parent/guardian of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

- E. A student is entitled to the services of a translator, to be provided by the Board of

Education, whenever the student or his/her parent or legal guardian do not speak the English language.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Expulsion (continued)

- F. The Board or impartial hearing officer shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.
  - G. The Board or impartial hearing officer shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.
  - H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.
  - I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.
5. Whenever the Board of Education or impartial hearing officer expels a student it shall offer an alternative education opportunity to students under the age of sixteen which shall be (1) alternative education\* as defined by C.G.S. 10-74j with an individualized learning plan if the Board provides such alternative education or in accordance with State Board of Education standards indicating the kind of instruction and number of hours to be provided by a student enrolled in an alternative educational opportunity. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 17 or older may be placed in an adult education program as an alternative educational opportunity. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.
6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of

its action.

*\*Alternative education is a school or program maintained and operated by a school board that is offered to students in a non-traditional setting and addresses their social, emotional, and behavioral and academic needs. (C.G.S. 10-74j)*

**Students****Suspension and Expulsion/Due Process (continued)****Expulsion (continued)**

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notices of an expulsion of a student in grades nine through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct or behavior in the years following such expulsion warrant an expungement or if the student graduates from high school.
8. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
9. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.
10. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
11. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous instrument in or on real property, comprising any public school or at any school activity as defined in C.G.S. 10-233a or in conduct displayed off school grounds.
12. If a student enrolled in grades preschool through grade twelve, inclusive, is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section

10-233a, or on or off school property offered for sale of distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing officer.

13. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Expulsion (continued)

14. The Board will report annually to the Commission of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.
15. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education (*alternative language - "at the discretion of the Superintendent of Schools"*) Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
16. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
17. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
18. The record of a student, grades 9 to 12 inclusive, expelled for possession of a firearm or deadly weapon, shall not be expunged.
19. The Board may expunge an expulsion in the years following the expulsion if the student has demonstrated conduct warranting an expungement.
20. A student in grades K-8 inclusive, shall have any expulsion, including for possession of a firearm or deadly weapon expunged from the record upon graduation.

#### Prior Notice

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school

year, or when the student enrolls or transfers during the school year.

## **Students**

### **Suspension and Expulsion/Due Process**

Legal Reference: Connecticut General Statutes

4-176e through 4-185 Uniform Administrative Procedure Act, as amended.

10-74j Alternative education (PA 15-133)

10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96n, PA 16-147, PA 17-220 and PA 19-91.

53a-3 Firearm and deadly weapons

53a - 217b Possession of firearm and deadly weapons on school grounds.

PA 94-221 An Act Concerning School Discipline and Security.

PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two

GOALS 2000: Educate America Act Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act Sec. 314 (Local Control Over Violence)

Elementary and Secondary, Education Act of 1965 as amended by the Gun Free Schools Act of 1994.

*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, (Sections 13-14)

Regulation approved:

rev 7/19

rev 7/24

## EXPULSION HEARING CHECK LIST

Student Name \_\_\_\_\_ Parent/Guardian Name \_\_\_\_\_ Home Phone \_\_\_\_\_  
 School \_\_\_\_\_ Id # \_\_\_\_\_ Grade \_\_\_\_\_ Parent Work Phone \_\_\_\_\_

- \_\_\_\_\_ 1) Obtain Student Discipline Incident Report and other relevant documentation
- \_\_\_\_\_ 2) Is the student a Special Education student? Was he/she ever in Special Education?
- \_\_\_\_\_ 3) Set up the file
- \_\_\_\_\_ 4) Call Hearing Officer or BOE Members to set a hearing date \_\_\_\_\_
- \_\_\_\_\_ 5) Get an attorney to represent the BOE (if BOE members conducting hearing) \_\_\_\_\_
- \_\_\_\_\_ 6) Get 4 Board members to participate in hearing (if not Hearing Officer) \_\_\_\_\_
- \_\_\_\_\_ 7) Get an attorney to represent Central Office Administration \_\_\_\_\_
- \_\_\_\_\_ 8) Notify the Town Clerk in writing and then e-mail notice to all Board of Education members, Superintendent, and two Assistant Superintendents
- \_\_\_\_\_ 9) Line up witnesses (i.e. principal/assistant principal, security officer, police officer).
- \_\_\_\_\_ 10) Hand deliver & send via regular mail initial letter to parent/guardian at least five business days before the scheduled expulsion proceedings, (& copy to student) which includes copies of Board of Education Suspension/Expulsion Policy & Regulations and the student's disciplinary record. Deliver or mail copies of letter and all documentation to both attorneys.
- \_\_\_\_\_ 11) Prepare Proof of hand-delivery & mailing of documents to parent/guardian and have courier sign.
- \_\_\_\_\_ 12) Prepare Superintendent's recommendation
- \_\_\_\_\_ 13) Prepare sets of copies (five (5) if hearing officer / nine (9) if BOE members)

a) BOE Policy & Regulations	g) Student academic record
b) Student Handbook	h) Student attendance record
c) _____ Letter/attachments to parent/guardian	i) ___ Posted Meeting Notice
d) Proof of Delivery receipt	j) Arrest report if applicable
e) Incident Report	Other:
f) Student disciplinary record	

- \_\_\_\_\_ 14) Arrange for any evidence (weapon, etc.) to be brought to hearing and/or make copies of photo(s).
- \_\_\_\_\_ 15) Manifestation Letter (PPT) (if applicable)
- \_\_\_\_\_ 16) Prepare DRAFT of Minutes for hearing officer or Board Secretary
- \_\_\_\_\_ 17) Set up room (tape recorder, pads/pencils, coffee, etc.)
- \_\_\_\_\_ 18) Keep small conference room free for breakout meetings

**AFTER HEARING:**

- \_\_\_\_\_ 19) Obtain hearing minutes from Hearing Officer OR finalize Board Secretary's minutes
- \_\_\_\_\_ 20) Prepare outcome letter from Superintendent to parent/guardian outlining disposition
- \_\_\_\_\_ 21) If Board presided, prepare outcome letter from Board Chair to parent/guardian. If Hearing Officer presided, obtain copy of Hearing Officer's outcome letter to parent/guardian for file.

\_\_\_\_\_ 22) If tutoring and/or counseling to be provided, prepare memo to Asst. Superintendent for Curriculum/Instruction requesting services to be arranged for student.

## **Expulsion Hearings - Order of Copies**

**If presided over by Hearing Officer make five (5) sets**

**If presided over by Board Members nine (9) sets**

### **PHASE I**

Initial letter to Parent(s), Proof of delivery of initial letter to Parent(s), and Posted Meeting Notice (stapled together in this order)

Policy and Regulations (Policy/Regs #5114)

Student Handbook (one original and 5 or 9 copies depending on who is presiding)

Incident Report (redacted)

Statements (redacted)

Photo of weapon/instrument (and actual weapon/instrument) (if applicable)

### **PHASE II**

Discipline Records (current year first followed by previous years)

Attendance Records (current year first followed by previous years)

Transcript (Report Card) (current year first followed by previous years)