

Special Policy Committee Meeting

Monday, November 24, 2025 5:30 PM

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

1. **Call to Order and Pledge of Allegiance**
2. **Policy 5144.12 Restorative justice practices was adopted in March of 2024**
3. **Policy 4212.42 – Drug and Alcohol testing for bus driver**
4. **Policy 4113.12 - Minimum Duty free lunch periods for teachers and other certified staff**
5. **Policy 3542.43 - Charging Policy Food Service**
6. **Policy 6141.51 - Challenging Curriculum**
7. **Policy 6172.1 - Gifted and Talented Students**
8. **Policy 2151 : Hiring School Administrators**
9. **Adjournment**

RESTORATIVE PRACTICES RESPONSE IN STUDENT DISCIPLINE *(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)*

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Nationally, school districts have different policies and procedures regarding student discipline. Some districts employ strict, punitive disciplinary procedures, maintaining a zero-tolerance policy for rule violations. Others apply a standard aimed at restoring the wronged party and addressing the behaviors involved. Over the years, student discipline policies have exhibited a disproportionately negative impact on students of color.

Moreover, school districts have been criticized for discipline policies that have yielded significantly higher percentages of rates of suspensions, expulsions, and school arrests among black and Latino students when compared to those of white students across the district's student population. This disparity has also been acknowledged by the federal government. A guidance jointly issued by the U.S. Department of Education and the U.S. Department of Justice informed public schools that they risk sanctions and/or lawsuits for violations of Title IV and Title VI of the Civil Rights Act of 1964 which prohibit discrimination on the basis of race, color, or national origin.

This narrative provides context for the Board's adoption of the mandated "Restorative Justice Policy." It discusses the rationale of the restorative justice response model and how it can reduce exclusionary discipline and provide equal access to education for all students. It reviews the model's characteristics as they relate to student discipline in public schools and some common misconceptions regarding implementation.

Background and Rationale Behind the Restorative Justice Model

Restorative practices, a system of corrective justice, focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. Rather than punishing someone for a wrongful act, restorative justice uses mediation and agreement to correct the behavior of the offender and restore the wronged party. CAGE's School Climate Policy 5131.911 defines restrictive practices. "**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.

Many school districts, beginning in the 1990s have utilized a form of zero tolerance as a model for student discipline. Zero tolerance policies contain an explicit, predetermined severe punishment for offenses. These policies typically targeting gang-related activity and drug offenses, remain fairly common. Many schools and districts also believe that zero-tolerance policies provide for fair and equal treatment of students because they remove background factors in assigning punishment. For example, a zero-tolerance policy for fighting in schools would theoretically affect all students fairly, regardless of background.

Over time, zero-tolerance policies became broader in scope, encompassing various other violations of school policy, including bullying, attendance, and insubordination. Research over the years indicates that a significant percentage of student suspensions and expulsions are for nonviolent, non-drug-related violations.

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A result of zero tolerance policies in public schools has been shown to be a cause for an increase in the reported incidents of student discipline among students of color. Data from the U.S. Department of Education's Civil Rights Data Collection indicates that, nationally, black students account for nearly 40% of all students receiving at least one out-of-school suspension but only 15% of the total student population. In addition, black and Latino students account for over 50% of all school-related arrests, including referrals to law enforcement for conduct not related to criminal activity. These statistics and nationwide disparities have prompted school districts, legislators, and other interested parties to adopt restorative practices and determine the extent to which this approach will break this destructive pattern.

The Role of Restorative Practice in Public Schools

Restorative practices strive to facilitate a nondiscriminatory and constructive student discipline system, replacing classroom suspensions for rule violations and other low-level altercations and offenses with opportunities for restoration to the harmed person. For some schools and districts, the implementation of alternative student discipline policies that allow schools to accomplish necessary educational goals is a primary and important mission. Federal data reveals significant racial disparities in student discipline, namely suspensions, which gives rise to concerns of racial discrimination that violate Title IV and Title VI and populating the "school to prison pipeline." The existence of such racial disparities invites students, teachers, and communities to question whether there are practices and systems, perhaps unconscious, of discrimination in a school's or district's policies and practices.

Restorative practices are believed to play a constructive role in addressing and improving students' academic performance in public schools. Studies have shown that high suspension rates negatively impact students' academic progress, which leads to lower test scores and higher dropout rates regardless of race or socioeconomic status. Students have a more difficult time learning when they are not in class. Other studies have shown a correlation between student suspensions or dropouts and criminal activity. Proponents of the restorative approach indicate that student discipline is handled constructively rather than punitively, which is an approach that is much more likely to keep students in school.

What Restorative Practices in Public Schools Means

While the Model School Climate Policy defines restorative practices, school districts may vary in their implementation methods. Some utilize a three-tiered model for restorative practices that focus on prevention, intervention, and reentry.

Other school districts focus more of their resources on training counselors to adequately address conflicts after they have occurred. Some schools have students and faculty jointly involved in restorative practices committee hearings, whereas other schools have mostly teacher-led and faculty-led hearings. In short, restorative practice does not look the same in any two schools or districts across the country. However, constants exist within the schools and districts utilizing the model.

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One aspect of restorative practice common to all schools is the facilitation of discussion between the student offender and the person harmed. A principle of restorative practices is to provide a space for the offender and the offended to talk through problems, address the underlying issues or behavior, and to make amends. When a student violates a rule or policy, they are brought before a committee consisting of their peers, faculty, or both, who explain the harm that was caused or could have resulted. Rather than questioning what rule was broken, who broke it, and what the rule breaker deserves as punishment, the discussion centers around the harm and the remedies. This conference also gives the student offender an opportunity to share what had occurred, motivations or extenuating circumstances.

In addition, the implementation of restorative practices in student discipline requires a level of time and resource commitment. Restorative practices committees and hearings take more time than the process required to suspend a student. An increase in time commitment for disciplinary proceedings may be more difficult for schools and districts with large populations, as it could leave less time and fewer resources for addressing other student needs. Districts without the necessary resources for restorative practices training also face challenges in implementation. Successful implementation requires teachers and administrators alike to buy into the concept of taking more time with individual offenses to prevent future violations. As the state is mandating districts to adopt a Restorative Practices policy and interventions reflective of the definition found in the model School Climate Policy, which also requires Board adoption, one can expect various training opportunities and resources for districts to follow.

Approved by its Board of Directors on March 31, 2017, the National Association of Community and Restorative Justice (NACRJ) developed a mission statement to promote policies and procedures that allow for restorative practices to be implemented in K-12 schools. In support of the policy positions, NACRJ calls for local and regional boards of education to adopt school or district-wide climate practices to foster caring relationships and discipline policies that employ social engagement over social control.

In addition, the policy statement calls for state education agencies to provide technical assistance and institutions of higher education to include the theory and practice of restorative processes in schools as part of teacher and school administrator licensure programs. These efforts should lead adults working with young people to adopt restorative practices for their own use, including building healthy relationships between each other and having policies in place to repair the harm that may occur with conflicts between and among adults involved in educational systems (NACRJ Policy Statement on Restorative Practices in K-12 Education, National Association of Community Restorative Justice, San Antonio, Texas, 2017).

According to NACRJ, ten essential elements of the vision of school-wide restorative practices in K-12 education exist. They include:

- Prioritizing, nurturing, and maintaining healthy relationships;
- Empowering all school community members to make choices based on common values;
- Guiding educators to clarify their beliefs about children and issues of power;
- Understanding that challenging behaviors demonstrate a breakdown of relationships and unmet needs;

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- Healing comes through reparation and support;
- Believing in your students and working together to support every student;
- Anticipating, monitoring, intervening, and addressing conflict, violence, mistreatment, bullying, and harassment of any kind;
- Initiating trauma-informed practices that prioritize relationships and promote healing;
- Ensuring curriculum and instructional materials reflect the diversity of students and how they learn;
- Making learning more fun and meaningful by employing relationship-based pedagogies.

Implementation guidelines center on five stages: Assessment and Exploration, Capacity Building, Planning, Initial and Full Implementation, and Evaluation.

What Restorative Practices in Public Schools Does Not Mean

Restorative practice does not mean that students who commit serious or criminal acts will receive a “pass” or some lesser punishment for their actions. Restorative mediation is seldom used in situations involving major offenses. This means that restorative practices are not appropriate as an option in situations involving gun or weapons possession, or violent sexual behavior, for example. Further, these offenses are controlled by federal and/or state statute and schools may have a legal responsibility for specified disciplinary actions. The majority of offenses that result in student suspensions, and thus the impetus for the restorative practices movement, have been for nonviolent, noncriminal offenses such as willful defiance and insubordination.

Additionally, its supporters indicate that restorative practices does not mean that teachers will lose the ability to “control” their classrooms. Some schools have been reluctant to adopt the restorative model because teachers fear losing command over the student disciplinary process. Teachers may share their concern over the loss of consequences for unruly students.

However, effective implementation of restorative practices in schools does not mean less control over classrooms for teachers. Instead, some teachers report having significantly better relationships with their students, as the students aren’t afraid to come forward when they make a mistake because they know there is mutual respect between the teacher and class.

Moreover, restorative practices should not infringe upon the privacy rights of students. Restorative practices committees and hearings involving student and faculty committee members do present a student privacy concern. The federal Family Educational Rights and Privacy Act (FERPA) necessarily requires that the disclosure of a student’s personally identifiable information (student discipline records count as such) be made with the written consent of that student or his or her parents. Students and faculty participating in the hearings must also sign nondisclosure agreements. In some school districts implementing this approach, students and parents have the option to opt out of restorative disciplinary hearings and pursue traditional disciplinary measures. Consultation with the Board attorney is an important step to ensuring these matters receive adequate legal consideration.

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Implementation: Where it Works, and Where it Needs Improvement

The Oakland Unified School District (OUSD) in California was one of the first school districts to implement restorative practices in student discipline. OUSD has successfully cut down on suspension and expulsion rates and increased student rehabilitation since implementing the practice. The District's success is credited to the use of the three-tiered model of restorative justice. The three-tiered model focuses on prevention, intervention, and supported reentry. The prevention stage utilizes teachers, students, and the community to build and promote social and emotional skills that serve as an initial barrier to rule violations, conflict, or harmful and inappropriate behaviors.

The second tier, the intervention stage, focuses on addressing rule violations with the offender in a constructive, non-punitive manner. This stage helps the offender to understand the harm caused by their actions, while also helping the community to understand what motivated the student to act that way. The third stage, the supported reentry tier, assists the student in reintegrating into the school environment when they have been suspended or otherwise removed from classroom instruction in a way that sets the student up for success. OUSD's use of the three-tiered model includes a proactive circle with students and a restorative practices coordinator, as well as peer mediation and family group circles with student offenders.

OUSD has also experienced success in using restorative practices in the school disciplinary system due to the district's funding and support for its implementation. Oakland Unified School District had funding available to hire a restorative practices program director to oversee the training and application of the model in the district. However, even in schools with limited funding, restorative practices have still found success. In Pittsfield, New Hampshire, teachers researched programs in other school districts and created their own restorative practices program in a school of only 260 students.

The Los Angeles, California, district (LAUSD), however, had experienced difficulties in effective execution of the restorative practices discipline model. Here, as in other similarly situated school districts, a significant roadblock for LAUSD has been funding and allocation of resources directed towards this initiative.

As a cautionary tale, San Diego Unified School District (SUSD) had also run into resource issues and, as a result, had zero schools in the district operating beyond the beginning stages of a restorative practices program. Consequently, teachers complained that the lack of training, coupled with the absence of exclusionary punishments adversely affected their ability to control their classrooms. In some schools, in fact, the lack of proper resources for restorative practices in discipline has led teachers and administrators to turn to calling the police to handle disruptive students, an unintended and adverse consequence related to poor implementation.

Conclusion

Schools and school districts across the country have a legitimate interest in ensuring that their student disciplinary procedures function in a way that provides full and equal access to education, as well as a safe, friendly and respectful environment for all students. Restorative practices offer schools and districts a way to address student misconduct restoratively, reducing the number of suspensions that usually cost students valuable learning time while not addressing the harm and contributing factors of the challenging behaviors.

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Increasingly school districts nationwide are adopting restorative practices in their student discipline models. Some districts have found success in implementation where there are sufficient resources available to facilitate training, a strong model for comprehensive reform, and a collective buy-in from faculty, students and the community.

Policy Implications

Public Act 23-167, Sections 47-55, 70-71 and 86-87 require boards to adopt and implement the new CT School Climate policy (CABE Policy #5131.911). In addition to this mandated policy, Public Act 23-167, Section 74 requires boards to adopt a “restorative practices response” policy by the 2025-26 school year. Drafted in January 2018, CABE developed a model policy for districts wishing to implement this practice. As this practice is now required and boards must adopt a policy, CABE’s model policy 5144.12 has received extensive updating to coordinate with language and definitions in the CT School Climate policy and fulfill the requirements in the Public Act. Now a mandated policy, CABE’s Restorative Practices Response policy, must be implemented by school employees for incidents of “challenging behavior” or student conflict that is nonviolent and does not constitute a crime. This policy cannot involve SROs or other law enforcement officers unless the behavior or conflict becomes violent or criminal.

Restorative practices is based on a philosophy that establishes principles that guide the response to conflict and harm. This approach's three main goals encompass accountability, community safety, and competency development. As applied to schools, this philosophy views misconduct as a violation against people and damaging to relationships in the school and throughout the community.

Schools may involve a wide range of people in the restorative practices process, including the victims, who are often teachers, school staff, bystanders, other students, and the school community. Schools can apply restorative practice principles to move beyond responding to violations of school rules or merely reacting to conflict.

Restorative practices emphasize values of empathy, respect, honesty, acceptance, responsibility and accountability. They can involve all types of students and provide opportunities to socialize students and teach them how to be productive members of society. The discipline process includes learning how to control impulses and honing social skills. Restorative practices also:

- Provide ways to effectively address behavior and other complex school issues.
- Offer a supportive environment that can improve learning.
- Improve safety by preventing future harm.
- Offer alternatives to suspension and expulsion.

Inclusion in the disciplinary process is a basic tenet of restorative practices. Students, as well as teachers and school staff, should be included as members of the school community. These disciplinary practices within schools have the potential to be more supportive, inclusive, and educational than other approaches. In reaching the goals of the restorative disciplinary approach, experts recommend:

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- Creating caring climates to support healthy communities.
- Understanding the harm and developing empathy for both the harmed and the harmer.
- Listening and responding to the needs of the person harmed and the person who was harmed.
- Encouraging accountability and responsibility through personal reflection within a collaborative environment.
- Reintegrating the harmer into the community as a valuable, contributing member of society.
- Changing the system when it contributes to harm.

This approach can be implemented in varying degrees, from a single program to permeating school philosophy. Restorative practices programs in schools typically operate under formal guidelines and incorporate trained individuals to deal with conflict and violations of school rules. Such programs allow for the reparation of harm and have the potential to influence school climate and strengthen positive social connections between students and staff.

While restorative practices offer a promising alternative to traditional school disciplinary systems, considerable implementation challenges exist. Such challenges include finding the time and financial resources needed to train teachers and, over time, securing the support of a large number of school staff to sustain implementation.

While school boards are required to implement restorative practices and adopt policy, moving toward such an approach requires more fundamental change – changes in beliefs and how we interact. Therefore, the move towards a restorative approach is a comprehensive systems approach, one requiring training, commitment, more training, and more commitments. Fortunately, there are many resources available to districts

A required policy, #5144.12, “Student Discipline: Restorative Practices,” and an administrative regulation have been developed and follow for consideration.

Disciplinary Action

When any student is referred by any staff member for violation of school rules the following Restorative Plan will be followed:

1. *Restorative measure represents a philosophy and a process that acknowledges that when a person does harm, it affects the persons they hurt, the community and themselves. When using restorative measures, an attempt is made to repair the harm caused by one person to another and to the community so that order is restored for everyone. By applying restorative measures in schools, school personnel have another tool to use with children and youth to repair harm and teach problem-solving skills.*
2. *Restorative practices guide teachers to teach children self-control through an understanding of personal needs, the use of problem-solving skills, and an expectation that children and adults can make amends-restitution-for the harm they cause.*
3. *An offending student is given the opportunity to participate in a restorative process to make things right for victims and the school community. Restorative approaches can be used in place of traditional discipline (detention, suspension, expulsion, etc....) or as a reentry tool upon exiting traditional disciplinary practices.*

A model policy to consider. (Required policy July 2025)

Students

Challenging Behavior Prevention: Restorative Practices Response

Introduction

Related to all matters of student discipline, the Board of Education requires district staff to make every effort to correct student challenging behavior through school-based resources and to support students in learning the skills necessary to enhance a positive school climate and avoid challenging behavior.

For most behaviors, schools should minimize the use of in-school and out-of-school suspensions, recommendations for expulsion, and referrals to law enforcement to the extent practicable while in compliance with state statutes, local ordinances, and mandatory reporting laws. It is the goal of the _____ Public Schools and the Board of Education that the juvenile and criminal justice systems be utilized rarely to address all forms of challenging behavior.

All challenging behavior procedures and responses shall ensure due process and be enforced uniformly, fairly, consistently, and in a manner that does not discriminate on the basis of ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, gender identity or expression, age, or disability.

For the school year beginning July 1, 2025, the _____ Board of Education adopts this “Restorative Practices Response” policy to be implemented by school employees for incidents of challenging behavior or student conflict that is nonviolent and does not constitute a crime. This policy shall not include the involvement of school resource officers or other law enforcement officials unless the behavior or conflict becomes violent or criminal.

The Board of Education (Board) supports the District’s fundamental mission to provide all students the opportunity to achieve academically and socially and emotionally, ethically, civically, and intellectually at the highest levels and to become a contributing and engaged citizen in our diverse society. All students should have the opportunity to develop their skills, knowledge, and competencies in a nurturing and accountable school setting. Schools play an important role in helping families and children make responsible decisions, cooperate with others, and have a successful life. Children, at times, find it difficult to manage their emotions and focus on their studies effectively. Developmentally appropriate social and emotional skills building allows students to cope with stress so they can access learning and develop into productive adults. Learning is a social activity, meaning children must be ready to learn by regulating their emotions and working constructively with others. Social and emotional learning (SEL) helps build a positive school climate by developing emotional intelligence through self-awareness, self-management, goal setting, social awareness, relationship building, collaborative skills, and responsible decision-making. Students should receive effective and engaging teaching, with curriculum, instruction, and assessment designed to address the needs of diverse learners.

Students

Challenging Behavior Prevention: Restorative Practices Response (continued)

Restorative approaches recognize students' unique strengths, needs, and interests and present an opportunity for schools to develop a structure that utilizes practices that will create a more equitable path for all students. Utilizing restorative practices allows schools to embody more equitable approaches and meet students' short—and long-term needs.

The Board believes that all students have a right to attend schools that are safe and free from unnecessary disruption. Appropriate student behavior, reinforced by an effective system of discipline, is essential to creating and maintaining a positive school climate. This is the joint responsibility of students, staff, parents, and the community.

The Board requires District schools to implement restorative practices in response to conflict and harm. The “Restorative Practices Response” philosophy supported by the Board views misconduct as a violation against people and damaging to relationships in the school and throughout the community. The Board recognizes that schools may involve a wide range of people in the “Restorative Practices Response” process, voluntarily including victims, who are often teachers, school staff, bystanders, other students, and the school community.

The four main goals of Restorative Practices Response are:

1. **Relationship Building:** creating a school environment where everyone is safe, welcomed, supported, and included in all school-based activities and focuses on high-quality, constructive relationships among the school community members;
2. **Accountability:** Restorative Practices Response strategies hold each student accountable for any challenging behavior;
3. **Community Safety:** Restorative Practices recognize the need to keep the school community safe through strategies ensuring that all students have a role in repairing relationships affected by challenging behavior. In safe, supportive education environments students feel a sense of belonging and allow schools to challenge policies and procedures that prevent student growth;
4. **Competency Development:** Restorative Practices Response seeks to increase the social-emotional intelligence skills of those who have harmed others, address underlying factors that lead students to engage in the form of challenging behavior, and build on strengths.

Definitions

Through adopting the Connecticut School Climate Policy (5131.911), the Board endorses a “Restorative Practices Response” approach to student discipline. As defined in Policy 5131.911,

Restorative Practices mean 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.

Students

Challenging Behavior Prevention: Restorative Practices Response

Definitions (continued)

“**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.

“**Evidenced-Based Practices**” in education refer to instructional and school-wide improvement practices that systematic empirical research has provided evidence of statistically significant effectiveness.

“**School Climate**” means the quality and character of school life, with a particular focus on the quality of the relationships within the school community. It is based on patterns of people’s experiences of school life and reflects the norms, goals, and organizational structures within the school community.

“**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.

“**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.

“**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.

“**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.

Purpose

The purpose of this policy is to support school discipline that:

1. The school district community has a shared vision and plan for promoting and sustaining a positive school climate that focuses on prevention, identification and response to all challenging behavior;
2. Maintains safe and engaging learning communities;

Students

Challenging Behavior Prevention: Restorative Practices Response

Purpose (continued)

3. Assures consistency and coherence across all schools in the District;
4. Defines and communicates expectations for student behavior;
5. Defines and communicates expectations for staff responsibility related to school discipline;
6. Balances the needs of the student, the needs of those directly affected by “challenging behaviors,” and the needs of the overall school community;
7. Assures equity across racial, ethnic, and cultural groups and all other protected classes, including, but not limited to, gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and gender identity and expression.

General Principles

1. A positive school climate is best accomplished by preventing challenging behaviors before they occur and using effective restorative practices, in response to those challenging behaviors that may occur despite proactive measures;
2. School safety and academic success are formed and strengthened when all school staff and employees build positive relationships with students and their parents and/or guardians;
3. Effective school climate maximizes the amount of time students spend learning academically, socially, and emotionally, ethically, civically, and intellectually and minimizes the amount of time students cause disruption or are removed from their classrooms due to an act of challenging behavior;
4. School discipline should be reasonable, timely, fair, age-appropriate, and should be proportionate to the student’s challenging behavior. Response to an act of challenging behavior that is rooted in restorative practices will provide meaningful instruction and guidance, offers students an opportunity to learn from their mistakes and is more likely to result in engaging rather than punitive responses to challenging behavior. The school community should adopt policies that promote a restorative school environment focused on overcoming barriers to teaching and learning by building and supporting meaningful school-wide relationships, and intentionally re-engaging and disengaged students, educators, and families of students in the school community;
5. Effective school climate improvement is a restorative process that engages all school community members in promoting a positive school climate. The vast majority of challenging behaviors should be addressed at the classroom level by teachers; however, behaviors that cannot be addressed at this level should receive more targeted and intensive interventions, as determined by an individualized assessment;

Students

Challenging Behavior Prevention: Restorative Practices Response

General Principles (continued)

6. The District serves a diverse community. In order to serve all students and to prepare them to be members of an increasingly diverse community, schools and staff must build cultural competence. We must commit to eliminating institutional racism and any other discrimination that presents barriers to success. The school community should create a school environment where everyone is safe, welcomed, supported, and included in all school-based activities;
7. Challenging behaviors, which may be subject to disciplinary action, including any within the school environment, but not limited to those occurring during either curricular or extracurricular activities, in classrooms, in school buildings, on school grounds, or in school vehicles, when such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel.

General Policy Guidelines

The District's system of school climate improvement is built on the incorporation of restorative practices, which should include:

Evidence and research-based system-level restorative practices that focus on:

- 1) building high-quality, constructive relationships among the school community,
- 2) holding each student accountable for any challenging behavior, and
- 3) ensuring each such student has a role in repairing relationships and reintegrating into the school community.

Restorative practices should be guided by the Connecticut School Climate Standards:

1. The school district community has a shared vision and plan for promoting and sustaining a positive school climate that focuses on prevention, identification, and response to all challenging behaviors.
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 reengaging any disengaged students, educators, and families of students in the school community.
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.

Students

Challenging Behavior Prevention: Restorative Practices Response

General Policy Guidelines (continued)

4. The school community creates a school environment 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.
 - a. Practicing early identification and assessment of struggling students;
 - b. Using a problem-solving/collaborative process to provide interventions matched to student needs;
 - c. Ensuring timely progress monitoring and feedback; and
 - d. Delivering scientific research-based interventions.

The District shall post this policy on the District website and in each school. A copy of this policy and accompanying procedures shall be readily available in each school's administration office.

Copies of this policy, any accompanying procedures/regulations, and school rules will be made available, upon request, to each student and parent/guardian and, upon request, promptly translated into a language that the parent/guardian can understand.

Applying the goals related to Restorative Practices Response, this policy's definitions, purpose, principles and guidelines, the Superintendent, or his/her/their designee shall develop such procedures and provide for any training necessary as may be needed to effectively implement this policy.

- (cf. 1110.1 – Parent Involvement)
- (cf. 4131 – Staff Development)
- (cf. 5114 – Suspension/Expulsion; Student Due Process)
- (cf. 5131 – Conduct)
- (cf. 5131.1 – Bus Conduct)
- (cf. 5131.6 – Drugs, Alcohol, Tobacco)
- (cf. 5131.7 – Weapons and Dangerous Instruments)
- (cf. 5131.8 – Out of School Grounds Misconduct)
- (cf. 5131.9 – Gang Activity or Association)
- (cf. 5131.911 – Connecticut School Climate Policy)
- (cf. 5131.913 – Cyberbullying)
- (cf. 5131.92 – Corporal Punishment)
- (cf. 5141.4 – Reporting of Child Abuse and Neglect)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5144.3 – Discipline of Students with Disabilities)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.52 – Harassment)

Students

Challenging Behavior Prevention: Restorative Practices Response

Legal Reference: Connecticut General Statutes
4-177 through 4-180. Contested Cases. Notice. Record, as amended.
10-233a through 10-233f Suspension, removal and expulsion of students,
as periodically amended.
21a-240(9) Definitions.
53a-3 Definitions.
GOALS 2000: Educate America Act, Pub. L. 103-227.
18 U.S.C. 921 Definitions
Title III - Amendments to the Individuals with Disabilities Act Sec. 314
Elementary and Secondary Schools Act of 1968, as amended by the Gun Free
Schools Act of 1994
PL 105-17 The Individuals with Disabilities Act, Amendments of 1997
P.L. 108-446 Individuals with Disabilities Education Improvement Act of
2004
State v. Hardy, 896 A.2d 755, 278 Conn 113 (2006)
Public Act 23-167, Section 74, An Act Concerning Transparency in
Education

Policy adopted:
cps 4/24

An administrative regulation to consider/modify to fit the local learning community.

Students

Challenging Behavior Prevention: Restorative Practices Response

The following procedures are developed for implementing Board Policy #5144.12. They are designed to be consistent with the general purpose and principles outlined in the aforementioned policy and with federal and state statutes and regulations.

The District and staff are committed to establishing positive learning environments that ensure that all students have access to a quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing and maintaining positive and constructive behavior in our schools. This goal can only be achieved through the cooperative efforts of our school personnel, students, parents, guardians, and our community.

School Discipline Administration

1. Staff training will be provided as needed to ensure that the Restorative Practices in each school are effective and that relevant policies and procedures are equitably applied. Such training will include, but not limited to, strategies and approaches related to Restorative Practices and its theoretical framework.
2. School district staff responsible for implementing this policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, sexual identity or expression, age or disability.
3. Challenging behavior related to students receiving special education and tiered intervention supports shall be in accordance with the student's Individualized Education Program (IEP), and behavior intervention plan, 504 Plan, and Board policy.
4. The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. School staff members are encouraged to contact parents early in the school year to proactively establish positive school-home communication and throughout the school year to share student successes and challenges, and develop plans to help students have access to a quality education. The District Schools will convene parent sessions to educate the community on Restorative Practices Response and how it will be implemented in the schools.
5. The District is committed to eliminating the disparity in school discipline with respect to its underserved populations by reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school climate and develop a system for addressing challenging behavior that promotes equity. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled or referred to law enforcement. The District will collect discipline data examining and aggregating referrals and disciplinary responses. In addition, principals will provide the Superintendent with an annual report highlighting Restorative Practices Response programs, their impact on school climate, and the number of referrals and disciplinary actions.

Students

Challenging Behavior Prevention: Restorative Practices Response (continued)

School-Level Rules

In developing school-level rules of behavior, the school shall solicit the participation, views, and feedback of at least one representative selected by each of the following groups:

1. Parents/guardians
2. Teachers
3. School administrators
4. For middle, junior high and high schools, students enrolled in the school

The “rules” shall be consistent with law, Board of Education (Board) policy, and District administrative regulations. The development of the rules shall be informed by school-level challenging behavior data as described in policy #5144.12.

The school shall also solicit participants’ views on whether school-level and District-level standards of behavior are being equitably and fairly applied. The confidentiality of student records shall be maintained at all times.

Interventions

General: Effective school responses related to challenging behavior shall promote interventions that refrain from interrupting a student’s education to the extent possible. Schools should minimize the use of suspensions, recommendations for expulsion, and referrals to law enforcement to the extent practicable while remaining consistent with federal and state statutes, regulations, and Board policies.

Reasonable Responses to Challenging Behavior Consequences: Responses should be reasonable, fair, age-appropriate, and match the severity of the student’s misbehavior, and through restorative practice consider the impact on the victim and/or community. Restorative practices that include meaningful instruction and guidance offer students an opportunity to learn from their mistakes and contribute back to the school community, and are more likely to result in having the student re-engage in learning.

Relevant Considerations for Determining Restorative Practices

1. Age, health and special education status of the student.
2. Appropriateness of student’s academic placement.
3. Student’s prior conduct and record of challenging behavior.
4. Student’s attitude.
5. Student’s willingness to repair the harm.
6. Seriousness of the offense and the degree of harm caused.
7. Impact of the incident on the overall school community.
8. The availability of prevention programs designed to address challenging behavior should also be considered before determining a restorative practices response.

Students

Challenging Behavior Prevention: Restorative Practices Response (continued)

Interventions/Alternative Means of Correction: When challenging behavior occurs, schools shall investigate the circumstances and gather facts that will help determine appropriate interventions and a restorative response for that student, with emphasis on correcting student misbehavior through school-based resources. Responses to challenging behavior should provide students an opportunity to learn from their mistakes and reengage the student in learning. All interventions should balance the needs of the student, the needs of those directly affected by the behavior, and the needs of the overall school community.

Each school is responsible for incorporating a restorative response framework into its planning to reduce referrals and suspensions through pro-active intervention, positive behavioral support, restorative practices, and other non-punitive approaches to challenging behavior focused on maximizing student achievement, reducing such behaviors and avoiding loss of instructional time through the use of tiered interventions. That intervention framework shall integrate a Restorative Practices framework.

Referral of students from the classroom environment for challenging behaviors should be avoided. The District expects alternatives to suspension and restorative practices to be utilized before referring a student out of the classroom. The District expects that alternatives will be undertaken within the classroom except where suspension for specific offenses is required by statute and Board policy or where it can be documented that the challenging behavior imposes a clear danger to others.

There are three types of intervention strategies to be considered: Administrative, Restorative, and Skill-based/Therapeutic.

1. **Administrative Strategies** are statutorily or policy-required interventions that respond “to” the offender. These include removal from the classroom, detention, suspension, and expulsion.
2. **Restorative Strategies** coordinate with Connecticut’s School Climate Policy as they are problem-solving interventions responding “with” the offender. They are driven by an opportunity to restoration for the harm caused as much as possible and focus on the harm caused and how it will be repaired. A successful restorative practice response strategy may utilize interventions with allied agencies and professionals. An assessment of the incident/conduct will be completed, and the school or district will determine whether a face-to-face meeting with all parties is appropriate. Examples may include:
 - a. Family group conferencing
 - b. Victim-offender mediation
 - c. Classroom mediation circles
 - d. Reparation of harm

Students

Challenging Behavior Prevention: Restorative Practices Response (continued)

Interventions/Alternative Means of Correction (continued)

3. **Therapeutic/Resource Strategies** are responses “by” the offender and require intrinsic motivational behavior change. Such interventions include:
 - a. Mental health counseling
 - b. Anger management classes
 - c. Informal mentoring and behavior coaching

Teachers and administrators should intentionally utilize various types of strategies, or multiple strategies simultaneously, to address and correct challenging behavior, especially for multiple offenses.

Consider adopting a District Restorative Practices Response statement and model with a common framework, definitions, and procedures. This statement and model should be widely displayed and available to all school community members.

Considerations for Adopting a District Restorative Practices Response Model:

1. The degree to which the model is easily integrated with the District’s Discipline policy;
2. The degree to which the model receives buy-in from the staff and school community;
3. The degree to which the model can be consistently and reliably implemented;
4. The degree to which adherence to the model is supported by research and yields positive results.

A statement and model can be designed in a manner similar to the following example:

Restorative Justice in _____ Public Schools

The Board considers Restorative Practices Response as a set of principles and practices used to build community, respond to harm/conflict, and provide individual circles of support for students in District schools. By building, maintaining, and restoring relationships between members of the entire school community, the District strives to create an environment where all students can thrive. The Restorative Justice approach to school discipline is to be implemented through a 3-tier, school-wide model.

Tier 1: Community Building (Prevention/Relate)

Tier I is characterized by the use of social-emotional skills and practice (classroom circles) to build relationships, create shared values and guidelines and promote restorative conversations following a behavioral disruption. The goal is to build a caring, intentional, and equitable community with conditions conducive to learning.

Tier 2: Restorative Processes (Intervention/Repair)

Tier 2 is characterized by the use of non-punitive response to harm/conflict such as harm circles, mediation, or family group conferencing to respond to disciplinary issues in a restorative manner. This process addresses the root causes of the harm, supports accountability for the offender, and promotes healing for the victim(s), the offender, and the school community.

Students**Challenging Behavior Prevention: Restorative Practices Response** (continued)**Interventions/Alternative Means of Correction** (continued)**Tier 3: Supported Re-entry (Individualized/Re-Integrate)**

Tier 3 is characterized by 1:1 support and successful re-entry of youth following suspension, truancy, expulsion or incarceration. The goal is to welcome youth to the school community in a manner that provides wraparound support and promotes student accountability and achievement.

Classroom-based Strategies to Reduce Challenging Behaviors

Classroom-based strategies include, but are not limited to:

1. Explicit re-teaching of behavioral expectations;
2. Separating students;
3. Phone call to parent;
4. Keeping students after class;
5. Restorative conference with student(s) or class;
6. Creation of a positive behavior contract;
7. Conference with student;
8. Conference with parent and the student.

School-based Strategies to Reduce Challenging Behaviors

Students who exhibit a pattern of challenging behaviors should be provided more intensive support through a system of tiered interventions. Parents should be notified if there is an escalating pattern of challenging behavior that could lead to classroom or school removal. Appropriate school-based strategies include, but are not limited to:

1. A conference between school staff and the student and his/her parents/guardians.
2. Referral to a school counselor or other school support service personnel for case management and counseling.
3. Referral for drug or alcohol counseling.
4. Convening of a Student Study Team (SST) or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians.
5. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment or Applied Behavior Analysis, including for purposes of creating a behavior plan, an individualized education program, or a Section 504 plan.
6. Enrollment in a program for building anger management skills.
7. Continue to encourage participation in a restorative justice program.
8. A positive behavior support approach with tiered interventions that occur during the school day on campus.

Students

Challenging Behavior Prevention: Restorative Practices Response

School-based Strategies (continued)

9. After-school programs that address identified challenging behaviors or expose students to constructive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.

Detention After School

Students may be detained for disciplinary reasons (up to one hour) after the school day has ended.

If a student will miss his/her school bus because he/she is detained after school or is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certified employee during the period of detention.

Community Service

For consideration with a restorative practices response strategy, the Board, Superintendent, Principal, or Principal's designee may, at his/her discretion, allow for a student to perform community service during non-school hours on school grounds or, with the written permission of the student's parent/guardian, off school grounds. Such service may include but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

Referrals

The Board supports the adoption of the SRBI framework to facilitate a systems approach to positive, pro-social behavior management. The District expects teachers to attempt SRBI-tiered interventions prior to making a referral out of the classroom whenever possible.

When a referral out of the classroom is made, the principal or his/her designee must ensure that staff making the referral complete the following:

1. Teacher completed a written referral notification/form;
2. Principal or his/her designee reviewed the referral form and, if warranted, assigned appropriate consequences;
3. The Principal or his/her designee or teacher contacted the student's parents/guardians and notified them of any consequences;
4. The Principal or his/her designee investigated the reasons for the student's conduct;
5. The Principal or his/her designee recorded the classroom interventions and referrals in the District's database.

Students

Challenging Behavior Prevention: Restorative Practices Response (continued)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or his/her designee shall notify parents/guardians about the availability of district rules and procedures related to student behaviors and school climate.

The Superintendent or his/her designee shall also provide written notice of behavior rules to transfer students at the time of their enrollment in the District.

Parent programs that relate to how the school integrates Restorative Practices Response in the student discipline/behavior management system will be provided.

Annual Review/Discipline Committees

Both individual schools and the district will evaluate and monitor the effectiveness of the school behavior plan using school disciplinary data disaggregated by race, ethnicity and gender of student. This will allow schools and the district to identify areas of need; target areas of concern; access professional development, supports, and services; and revise school procedures as needed.

In consideration with the Connecticut Positive School Climate Policy, schools will review student discipline data.

The review will include the following:

1. Intervention and prevention strategies.
2. The number of referrals, in school suspensions, out-of-school suspensions, expulsions, and referrals to law enforcement, disaggregated by race, ethnicity, age, grade, disability, and gender of the students, where available.
3. Differences in referrals among staff members.
4. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.
5. Review of Restorative Practices and their impact on student discipline and climate.

Based on the review, schools will make changes consistent with the intent of this and other related policies.

Schools are encouraged to establish a discipline committee including school personnel, parents and students to develop, monitor, and evaluate school discipline policy and school climate. The use of school discipline data is recommended in this process.

Regulation approved:

cps 1/18
rev 4/24

Drug and Alcohol Testing for Bus Drivers

Director of Transportation Collin Uressey's Input

Our contracts with both First Student and the private transportation companies include provisions requiring compliance with all applicable laws, rules, regulations, and policies of Federal, State, and Local governments. This language effectively covers the vast majority of the content outlined in the CAFE policy.

However, there is one area of potential concern: the following Board policy is not explicitly included in our current contracts.

In addition to the cited federal requirements, the Board of Education expects its school transportation carriers to provide training to all school bus drivers, including instruction on:

Identifying the signs and symptoms of anaphylaxis
Administering epinephrine via a cartridge injector ("EpiPen")

This expectation could be added to future contracts. However, for immediate implementation, we would need to formally request vendor compliance. The vendor may either agree to the change or agree contingent upon receiving additional funding to support the training requirement.

Currently, school bus drivers are only authorized to administer basic first aid (e.g., providing a bandage) and are instructed to call 911 for all other emergencies.

For your reference, relevant sections from our current contracts are included below:

First Student Contract

Section III.A – GENERAL

The contractor agrees to meet all regulations of the Connecticut State Statutes and those prescribed by the Commissioner of Motor Vehicles, as well as regulations issued by the Federal Department of Transportation. If any amendments to existing regulations during the term of the contract require major alterations to existing equipment, the associated costs will be subject to negotiation with the Board of Education.

Private Transportation Contract

LAWS AND BOARD POLICIES

A. The Contractor shall comply with all laws, rules, regulations, and policies of Federal, State, and Local governments. It is the Contractor's responsibility to ensure that all employees are familiar with and follow these requirements, including any transportation manual or additional rules or policies issued by the Board.

B. The Contractor must be familiar with all Board policies and regulations that impact the services.

BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE

~Page 1~

(Background Information for Policy Review Committee)

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~

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 CABE 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

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;

P4212.42(b)

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

A succinct version of this mandated policy to consider.

Personnel Non-Certified

Drug and Alcohol Testing For School Bus Drivers

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.

In addition, the Board of Education expects its school transportation contractor to train all school bus drivers, with instruction pertaining to the identification, the signs and symptoms of anaphylaxis, and in the administration of epinephrine by a cartridge injector ("EpiPen"), the notification of emergency personnel, and the reporting of an incident involving a student's life-threatening allergic reaction. Such training shall occur following the issuance or renewal of an endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver, 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.

Prior to employment of bus drivers, the Board of Education expects its school transportation carrier to 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 school transportation carrier will also utilize the Clearinghouse for current CDL drivers who are employees on at least an annual basis. Required personal information that is collected and maintained in connection with the testing program shall also be reported, as required, to the Clearinghouse.

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)

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

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.

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 **Breakfast and Lunch or reduced price meals to eligible elementary and secondary** all students enrolled in the District's schools. **The Bristol Public Schools operates under the Community Eligible Provision program from the USDA. This program allows every student in Bristol to receive a free Breakfast and Lunch every day. There is no need to have a system where these student need to charge a meal at ant time. If a student wishes to purchase a second meal or additional food for their meal they can do so when they go through the service line but they can't charge a second meal or other food item. This must be paid for at the time of service with cash or money on their Myschoolbucks account. 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 **that has no need to have the possibility of allowing a student to charge a meal. 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.

This can be left in but we don't refuse a meal to anyone because they are already free or have a specific option for students that have a negative balance so it's not really necessary. 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.
2. The District operates under the CEP program and there is no need to have a policy to charge a meal since they are all already free.

Business/Non-Instructional Operations

Food Service

Charging Policy (continued)

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

3. The District uses [MySchool Bucks](#) _____, 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 [MySchool Bucks](#) _____ website.
4. **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.

5. **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)

6. 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.

7. 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 MySchoolBucks, 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 Bristol 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

- The district operates under the USDA's CEP program so every student gets a free Breakfast And Lunch every Day so no applications are necessary or used in the district for the NSLP od NSBP.

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

We don't have unpaid meal debt so I'm not sure this is necessary to be in there but that would be your choice

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:



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”

...ted:



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

PA 21-199 Section 5—Challenging Curriculum Policy

(Background information for Policy Review Committee)

Page 1

~~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)

Page 2

(continued)

~~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.~~

April 2022

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 equitably 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~~ rigorous coursework 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.

~~District and school-level principles will contribute to fostering greater equity in student participation in challenging curricula; 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.~~

- Provide a course sequence and foundation-building in earlier grades, ensuring high expectations for all students, that makes later challenging coursework a viable option;
- Create multiple access points to challenging curriculum and programs;
- Use multiple methods by which a student may satisfy eligibility criteria for enrollment, including but not limited to:
 - Recommendations from teachers, administrators, school counselors or other school personnel, including the input of students and parents/guardians
 - Criteria not exclusively based on a students' prior academic performance
 - Use of a student's prior academic performance must rely on evidence-based indicators of how a student will perform in a challenging course
 - Academic improvement over time;
 - Scoring near benchmark on local assessments;
 - Identification of giftedness
 - Student interests, creative thinking ability, and persistence.

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 based on the eligibility criteria within this policy.

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.

P6141.52(d)

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

Gifted and Talented Policy feedback

Provided by Alan Theriault Gifted and talent Teacher for BPS

1. State is requiring Gifted and Talented be included in CTSEDS. All students that meet testing requirements will have an individual G/T referral created in the system. Referral will include testing battery that will be administered, and a parental consent to conduct evaluation will be generated. Prior to administering the tests, informal PPTs will be held at each school, with stakeholders having the opportunity to share data/information about students in testing pool. Parents will not be part of PPT.

Upon completion of testing, informal PPT will be held that includes teacher, admin and pupil personnel representatives. Parents will be formally notified of testing results. A breakdown of testing protocol follows:

2. Torrance Test of Creativity Figural Test will be given to a grade 3 test pool, put together with teacher, admin. input from each school, including data trackers and recommendations.

3. CogAT 7 cognitive abilities testing will be administered for students in grades 4-8 each fall. Test pool will be comprised of students meeting cutoff scores on SBA from previous spring administration, as well as recommendations from building personnel, including classroom teachers, encore teachers, etc.

4. Renzulli behavioral rating scales will be completed by prior year's teacher/team in order to create a more detailed profile of each student.

5. Miscellaneous: Gifted coaches at each respective school will aid colleagues in creation of enrichment materials/options when necessary.

The state is going to do their best to migrate our currently identified G/T population into CTSEDS. If they are unable, I will have until the end of the year to move everyone over. It will be a little bit time consuming, as there does not seem to be a shortcut. Individual referrals would have to be created for everyone, even students who have been identified in prior years. With this year's newly identified students we will have a population of 363 students.

PA 21-199 Section 2 – Gifted and Talented Students
(Background information for Policy Review Committee)
Page 1

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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(continued)

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)

Page 3

(continued)

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)

Page 4

(continued)

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.

April 2022

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

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.

