

## **Policy Subcommittee**

Wednesday, August 24, 2022 7:00 PM

Meeting Access: Policy Subcommittee (8/24/22 at 7 p.m.) Web:

<https://zoom.us/j/97437688170> Dial In: (929) 205-6099 Meeting ID: 974 3768 8170, 3 Brush Hill Road, New Fairfield, CT 06812

### **I. CALL TO ORDER**

### **II. APPROVAL OF THE MINUTES**

II.A. June 8, 2022 - Special

### **III. ACTION ITEMS**

III.A. Policy 1312 – Public Complaints

III.B. Policy 4113.12 – Minimum Duty-Free Lunch  
Periods for Teachers

III.C. Policy 5113.2 – Truancy

III.D. Policy 5141.4 – Reporting Child Abuse/Neglect or  
Sexual Assault

III.E. Policy 5144.4 - Discipline

III.F. Policy 5145.511 – Exploitation; Sexual  
Harassment

### **IV. INFORMATION ITEMS**

V. **OTHER**

### **VI. ADJOURNMENT**

**BOARD OF EDUCATION, NEW FAIRFIELD, CT**  
**Policy Subcommittee Meeting**

Name of Subcommittee: Policy Meeting type: Special  
Date of Meeting: 6/8/22 Place of Meeting: Zoom  
Members present: Kathy Baker, Samantha Mannion, Stephanie Strazza  
Members absent: Amy Johnson  
Other attendees: Dr. Pat Cosentino  
Minutes submitted by: Kathy Baker  
Meeting Access: Policy Subcommittee (6/8/22 at 7 p.m.) Web: <https://zoom.us/j/95182556293>  
Dial In: (929) 205-6099 Meeting ID: 951 8255 6293

The meeting was called to order at 7:01 p.m.

**II. APPROVAL OF MINUTES**

A. March 23, 2022 - Regular

**Motion:** To approve the minutes of March 23, 2022, as presented

Made by: Kathy Baker

Seconded by: Stephanie Strazza

**Recording of Vote:** All in favor

**III. ACTION ITEMS**

Samantha Mannion would like the subcommittee to consider recommending these mandated policies to the full Board of Education with a suspension of the rules at the next BOE meeting.

**A. Policy 6141.51 - Advanced Courses or Programs, Eligibility Criteria for Enrollment** - This policy is a new, mandated policy. It was reviewed and there were no suggested changes. The subcommittee agreed to recommend this to the full Board for consideration.

**B. Policy 6141.52 - Challenging Curriculum Policy** - This policy is also a new, mandated policy. There was discussion about . . . *will* offer advanced academic classes in the four content areas of Language arts, mathematics, social studies and science on page (a), paragraph six. It was suggested that the word “will” be changed to “may.” These classes are not offered on the middle school level. It was agreed to table this policy and to consult with our attorney about changing the word “will” to “may.”

**Motion:** To table Policy 6141.52 until we get an opinion from the attorney about changing “will” to “may.”

Made by: Samantha Mannion

Seconded by: Stephanie Strazza

**Recording of Vote:** All in favor

**C. Policy 6172.1 - Gifted and Talented Students Program** – This is an existing policy with revisions based on legislation. The amended language is non-discretionary. A teacher of the Gifted has been hired for NF Middle School.

**Motion:** To bring to the full board with suspension of the rules the following policies: Policy 6141.51 - Advanced Courses or Programs, Eligibility Criteria for Enrollment and Policy 6172.1 - Gifted and Talented Students Program

Made by: Samantha Mannion

Seconded by: Kathy Baker

**Recording of Vote:** All in favor

**IV. INFORMATION ITEMS** - none

**V. OTHER** - It was suggested that the Subcommittee review the policy concerning process to follow when a parent has a question or concern about a book that s/he may feel is not age appropriate for his/her student. Samantha Mannion thanked Dr. Pat Cosentino for the expertise she offered during the Policy Subcommittee meetings.

**VI. ADJOURNMENT**

**Motion to adjourn:** Made by: Samantha Mannion

Seconded by: Kathy Baker

**Recording of vote:** All in favor

**Meeting adjourned at:** 7:17 p.m.

## **Community Relations**

### **Public Complaints**

The Board of Education welcomes comments and suggestions for improvement from the citizens whom it serves. Constructive criticism of the schools is welcome whenever it is motivated by a sincere desire to improve the quality of the educational program or to allow the schools to do their tasks more effectively. However, the Board has confidence in its professional staff and desires to support their actions in order that they be free from unnecessary, spiteful or negative criticism and complaint. Therefore, whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it will promptly be referred to the school administration for study and possible solution.

Since individual Board members have no authority to resolve complaints, other than by formal Board action, Board members shall refer persons making complaints about the schools to the most immediate level at which the problems can be resolved and, as may be necessary, through lines of organization to the Superintendent of Schools. The Board expects that the administration will develop a procedure for receiving complaints courteously and that it will take steps to make a proper reply to the complainant. Follow-up shall be in the form of a written memorandum to the Board members.

Anonymous complaints provide no avenue for response or redress of the complaint. Therefore, it is the policy of the Board that such complaints need not be pursued. An unsigned complaint need not be read or acted upon at any meeting of the Board and anonymous telephone complaints need not be brought to the Board by any individual Board member, administrator or other District employee. The administration need not act on any anonymous complaint.

Parents should be made aware of the proper channels of communication and appeal. Complaints for which specific resolution procedures are provided shall be directed through those channels. The decision of the Principal regarding a student must include notice to the parents of the next step of appeal. Any appeal from the decision of the Superintendent to the Board shall be in writing and signed.

Complaints should be resolved at the lowest possible level of authority. If the complaint cannot be resolved at the building level, either party is encouraged to bring the matter to the attention of the Superintendent of Schools.

If all other remedies have been exhausted and a complaint cannot be satisfactorily resolved, the complaint may be appealed to the Board of Education. No appeal will be heard by the Board and no charges or accusations against an employee will be investigated unless the accusations are reduced to writing, signed by the party making the complaint, and presented to the Board through the Superintendent.

## Community Relations

### Public Complaints

The Board will not consider or act upon complaints that have not been explored at the appropriate level or complaints for which specific resolution procedures have been established that do not include Board review. If the Board decides to hear the complaint, the Board shall make a decision which shall be sent to all interested parties. The Board's decision is final.

Upon receipt of a written petition signed by one percent of the voters or fifty voters, whichever is greater, the Board of Education shall hold a public hearing on any question specified in the petition within three weeks of receipt of the petition.

### Challenged Material

A procedure for processing and responding to criticism of approved materials shall be established and followed. This procedure shall include a formal, signed complaint of standard format and an appointed committee to re-evaluate the material in question.

In all cases, the decision to retain or reject shall be made on the basis of whether the material represents life in its true proportions, whether circumstances are realistically dealt with, and whether the material has literary or social value. Factual material shall be included in all instructional material collections.

(cf. 1220 – Citizens' Advisory Committees)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6144 - Controversial Issues)

(cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference:        *Keyishian v. Board of Regents* 385 U.S. 589, 603 (1967)  
                               *President's Council, District 25 v. Community School Board No. 25* 457 F.2d  
                               289 (1972), cert. denied 409 U.S. 998 (1976)  
                               *Minarcini v. Strongsville City School District*, 541 F. 2d 577 (6th Cir. 1976).  
                               *Board of Education, Island Trees Union Free School District No. 26 v.*  
                               *Pico*, 457 U.S. 853 (1982).  
                               Academic Freedom Policy (adopted by Connecticut State Board of  
                               Education, 9/9/81).  
                               Connecticut General Statutes  
                               10-238 Petition for hearing by board of education.

Policy adopted:        June 21, 2007

NEW FAIRFIELD PUBLIC SCHOOLS  
 New Fairfield, Connecticut

## **Community Relations**

### **Public Complaints**

The Superintendent and all building or unit administrators shall maintain a log of all written and signed public complaints received, the results of any study or investigation undertaken, and the particular action or disposition rendered. These records shall be deemed personal working files and not subject to public disclosure except that the Superintendent may review all such files at any time.

The Superintendent's own records shall be reviewable by the Board chair. Heresay and rumor shall not be considered a complaint unless directed by an identifiable complainant.

Administrators shall use understanding in dealing with the public, but nothing contained herein shall imply that any staff member is compelled to subject him/herself to inappropriate or unrestrained forms of insult, upbraiding, or other like abuse. Complainants are to be advised of their right to appeal decisions and actions to the Superintendent whose determinations may in turn be reviewed by the Board.

The Board may request a disinterested third party to act as a moderator to help it reach a mutually satisfactory solution. After the Board's decision, the usual appeal route pertains.

Any parent, guardian, or other person who insults or abuses any teacher or other employee on school property or in the presence of students may be prosecuted by the district under the provisions of law.

### **Request for Re-Evaluation of Instructional Materials**

The following procedure shall be followed whenever there is a request for the evaluation of instructional material other than textbooks:

1. The Superintendent shall establish an ad hoc review committee broadly representative of:
  - A. Teachers competent in the area of the content covered by the material.
  - B. Administrators, directors, and supervisors appropriate to the level and/or subject for which material is used.
  - C. A media specialist who shall serve on the review committee.
  - D. Parents when appropriate, as determined by the Superintendent.
2. Objections to materials and requests for re-evaluation must be presented in writing on the proper form. Request for Re-Evaluation of Materials forms are available in the office of the Superintendent.
3. Initial action on a written request on the proper form shall be taken no later than fifteen school days after receipt of the request.

## Community Relations

### Public Complaints

#### Request for Re-Evaluation of Instructional Materials (continued)

4. A written report from the review committee shall be submitted to the Superintendent. The Superintendent shall then communicate his or her decision to the person requesting the re-evaluation.
5. Should the decision of the Superintendent not satisfy the person requesting the re-evaluation, the Board of Education may hold a special hearing to review the Superintendent's decision.
6. Once instructional material has been re-evaluated the material cannot be subject to further review without special approval by the Board of Education. Challenged instructional materials shall remain in use in the schools pending a final decision by the Board of Education, or unless suspended by the Board of Education prior to a final decision.

(cf. 1220 - Citizens, Advisory Committees)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6144 - Controversial Issues)

(cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference: *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967).

*President's Council, District 25 v. Community School Board No. 25*, 457 F. 2d 289 (1972), cert. denied 409 U.S. 998 (1976).

*Minarcini v. Strongsville City School District*, 541 F. 2d 577 (6th Cir. 1976).

*Board of Education, Island Trees Union Free School v. Pico*, 457 U.S. 853 (1982).

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81).

Connecticut General Statutes

10-238 Petition for hearing by board of education

Regulation approved: June 21, 2007

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

**REQUEST FOR RE-EVALUATION OF INSTRUCTIONAL MATERIALS**

Request Initiated By \_\_\_\_\_

Telephone # \_\_\_\_\_

Street Address \_\_\_\_\_

email address \_\_\_\_\_

Instructional Material for re-evaluation \_\_\_\_\_

Where is it in use in the NFPS? \_\_\_\_\_

If a book:

AUTHOR \_\_\_\_\_

TITLE \_\_\_\_\_ PUBLISHER \_\_\_\_\_

Or, name of other instructional material.  
\_\_\_\_\_

1. How did you become aware of this instructional material? \_\_\_\_\_  
\_\_\_\_\_

2. To what in the material do you object? (Please be specific; cite pages) \_\_\_\_\_  
\_\_\_\_\_

3. What do you feel might be the result of reading this book or using this material? \_\_\_\_\_  
\_\_\_\_\_

4. In your opinion, what are the positive aspects of this material? \_\_\_\_\_  
\_\_\_\_\_

5. Did you read the entire book/review the entire material? \_\_\_\_\_ If not, what parts did you review?  
\_\_\_\_\_

6. What do you believe is the intended purpose of this instructional material? \_\_\_\_\_  
\_\_\_\_\_

7. What judgment of this material by reviewers are you aware of? \_\_\_\_\_

8. Further comments and suggestions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date



*A new mandated policy to consider.*

## **Personnel -- Certified**

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

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

Legal Reference: Connecticut General Statutes

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

Policy adopted:

cps 7/22

*Existing policy with updates due to 2022 legislation.*

## **Students**

### **Tuancy**

#### **Introduction and Definitions**

The District's policy on student truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted. For purposes of implementing this policy and for reporting purposes regarding truancy, the District will utilize the State Board of Education approved definitions of "excused" and "unexcused" absences.

**"Truant"** shall mean a student age five to eighteen, inclusive, who has four unexcused absences in any one month, or ten unexcused absences in one school year.

**"Unexcused Absence"** Board policy with respect to unexcused absences stresses prevention and inquiry leading to remediation of absences. The schools will make all reasonable efforts to help students improve their attendance when such improvement is warranted. When all local resources are exhausted referral to legal authorities is recommended.

**"In attendance"** shall mean a student is present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent.

**"Chronically absent child"** is an enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**"Absence"** means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. 10-198b.

**"Mental health wellness day"** means a school day during which a student attends to his/her emotional and psychological well-being in lieu of attending school. Such days must be nonconsecutive.

**"District chronic absenteeism rate"** means the total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**"School chronic absenteeism rate"** means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

## **Students**

### **Truancy (continued)**

#### **Remediation of Truancy**

School personnel shall seek cooperation from parents or other persons having control of such child and assist them in remedying and preventing truancy. The Superintendent of Schools shall develop regulations which will detail the following school district obligations under the district's truancy policy:

1. Notify parents annually of their obligations under the attendance policy.
2. Obtain telephone numbers for emergency record cards or other means of contacting parents or other persons having control of the child during the school day.
3. Establish a system to monitor student attendance.
4. Make a reasonable effort by telephone and by mail to notify parents or other persons having control of the child enrolled in grades one through eight, inclusive, when a child does not arrive at school and there has been no previous approval or other indication which indicates parents are aware of the absence.
5. Identify a student as "truant" when the student accumulates four unexcused absences in any month or ten in a school year.
6. Identify a student as "chronically absent" when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
7. Appropriate school staff meet with parents of a child identified as truant or chronically absent to review and evaluate the situation, within ten days of such designation. Such meeting may involve the school or District Attendance Team.

Students so identified may be subject to:

- (a) retention in the same grade to acquire necessary skills for promotion.
  - (b) a requirement to complete a summer school program successfully before being promoted to the next grade.
8. When a petition is filed, an educational evaluation of the truant student shall be done by appropriate school personnel if no such evaluation has been performed within the preceding year.
  9. Provide coordination of services and refer "truants" to community agencies which provide family services.
  10. If in existence, refer the child to the children's probate court truancy clinic.
  11. Provide notice to the parents/guardian the information concerning the 2-1-1 Infoline and other pediatric mental and behavioral health screening sources and tools provided by the State Department of Education.

## **Students**

### **Truancy**

#### **Remediation of Truancy (continued)**

The Board, shall implement a truancy intervention model identified by the Connecticut State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as identified by the Commissioner of Education. The intervention models must also address the needs of students with disabilities. Parents or other persons having control of each child shall be notified of such truancy model.

#### **Chronic Absenteeism**

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the District's chronic absenteeism rate is 10 percent or higher.
2. A school team must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

In the calculation of the District's chronic absenteeism rate and the school chronic absenteeism rate, a student's engagement, in grades 9-12, in remote virtual learning shall be excluded if such engagement accounts for not less than one-half of the school day. In addition, the calculation of chronic absenteeism rates shall exclude absence resulting from a student taking a mental health day pursuant to P.A. 21-46.

## Students

### Truancy

#### Chronic Absenteeism (continued)

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and students with disabilities.

The District shall annually include in information for the Profile and Performance report for each school and the District that submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

(cf. 5113 – Attendance)

Legal Reference: Connecticut General Statutes

10-184 Duties of parents. ~~(as amended by PA 98-243 and PA 00-157)~~

10-198a Policies and procedures concerning truants ~~(as amended by PA 00-157, P.A. 11-136 and PA 16-147)~~

10-198b State Board of Education to define “excused absence”, “unexcused absence”, and “disciplinary absences” (as amended by PA 21-46)

10-198c Attendance review teams ~~(as amended by PA 17-14)~~

10-198d Chronic absenteeism ~~(as amended by PA 18-182)~~

10-198e Identification of truancy identification models ~~(as amended by PA 18-182)~~

10-199 through 10-202 Attendance, truancy in general. ~~(Revised, 1995, PA 95-304)~~

## Students

### Truancy

Legal Reference: Connecticut General Statutes (continued)

45a-8c Truancy clinic. Administration. Policies and procedures. Report.  
~~(as amended by PA 15-225)~~

10-220(c) Duties of boards of education ~~(as amended by PA 15-225)~~

10-202e-f Policy on dropout prevention and grant program.

10-221(b) Board of education to prescribe rules. *Campbell v New Milford*,  
193 Conn 93 (1984).

**PA 22-47 An Act Concerning Children’s Mental Health.**

*Action taken by the State Board of Education on January 2, 2008, to  
define “attendance.”*

*Action taken by the State Board of Education on June 27, 2012, to define  
“excused” and “unexcused” absences.*

Policy adopted: December 4, 2008  
Policy revised: November 17, 2011  
Policy revised: March 7, 2013  
Policy revised: December 17, 2015  
Policy revised: March 2, 2017  
Policy revised: March 1, 2018  
Policy revised: December 6, 2018  
Policy revised: November 4, 2021  
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

*Existing policy with update reflecting P.A. 22-87.*

## **Students**

### **Reporting Child Abuse/Neglect or Sexual Assault**

Connecticut General Statutes 17a-101, as periodically amended by Public Act 96-246, 97-319, 02-106, 02-138, 09-242, 11-93 and 15-205 requires all school employees including the school Superintendent, school teachers, substitute teachers, administrators, school guidance counselors, school counselors, school paraprofessionals, tutors, mentors, licensed nurses, physicians, psychologists, social workers, licensed behavior analysts and coaches of intramural or interscholastic athletics, co-curricular advisors, or any other person, who in the performance of his/her duties has regular contact with students and who provides services to District students who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm or sexually abused by a school employee to immediately report such abuse, neglect, and sexual assault in compliance with applicable state statutes. Furthermore, it is the policy of the New Fairfield Board of Education to require all personnel who have reasonable cause to suspect or believe that any child under the age of 18 has been abused or neglected or placed in imminent risk of serious harm by any person to report such suspected abuse and/or neglect. Reports must be made when information is learned or obtained during the ordinary course of such person's employment or profession.

**The Board shall annually distribute the mandated reporter policy electronically to all school employees. The Board shall annually distribute electronically, to all school employees, Board members, and parents and guardians of enrolled students, (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program.**

An oral report by telephone or in person shall be made as soon as possible but not later than twelve (12) hours to the Commissioner of Children and Families (DCF) or a law enforcement agency, and to the Superintendent of Schools or his/her designee followed not later than forty-eight (48) hours by a written report to the Commissioner of Children and Families or his/her designee. The Child Abuse and Neglect Hotline, 1-800-842-2288, should be used for telephone reports; DCF Form #136 should be used for written reports. Forms are located in all schools.

The Department of Children and Families (DCF) has a 24-hour Child Abuse and Neglect Hotline, "Careline" at 1-800-842-2288, for the purpose of making such oral reports.

Mandated reporters are equally responsible to comply with procedures and timeline requirements for oral and written reports. District social workers, or in their absence, building administrators may assist in filing these reports, if the reporter chooses. This confidential copy of the official written report, prepared and submitted by the mandated reporter, shall be submitted to the Director of Pupil Personnel Services (PPS); and it shall be maintained in a confidential file in the PPS office.

In all cases, the Building Principal shall be notified immediately after the oral report has been made to DCF. The Building Principal will then notify the Superintendent of Schools.

## **Students**

### **Reporting Child Abuse/Neglect or Sexual Assault (continued)**

For these purposes, a child has been the object of child abuse or neglect if he or she has a specific injury or injuries inflicted upon him or her by a person responsible for such child's or youth's health, welfare, or care by a person given access to such child by such responsible person, or by a school employee other than by accidental means, or has injuries which are at variance with the history given of them, or is in a condition which is the result of maltreatment such as, but not limited to malnutrition, sexual abuse, sexual exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment, or has been neglected as defined by the Connecticut General Statutes, regardless of the offender-victim relationship and regardless of the offender's affiliation with any organization. [See Appendix A, Indicators of Abuse and Neglect.]

Any school personnel who has reasonable cause to suspect that a district employee is abusing or sexually assaulting a student shall orally report that suspicion as soon as possible but no later than twelve (12) hours by telephone or in person to the Commissioner of Children and Families followed no later than forty-eight (48) hours of making the oral report with a written report to the Department of Children and Families. The Superintendent of Schools or supervising agent may be notified immediately after the oral report has been made. The Commissioner of Children and Families or his/her designee, is required to notify the head of a school, except when that person is the alleged perpetrator. The Superintendent or supervising agent must: 1) immediately notify parent(s) of the alleged abuse that a report has been made; and 2) immediately notify the Police Department of the alleged abuse.

For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a District school, other than part of an adult education program.

In addition, the Superintendent or supervising agent must submit a written report of suspected child abuse or neglect by a school employee who has been entrusted with the care of a child and who holds a certificate, permit or authorization issued by the State Board of Education to the Commissioner of Education or his/her representative. The Commissioner of the Department of Children and Families has a similar obligation. The Superintendent shall suspend a certified staff employee when the investigation produces evidence that the employee abused or sexually assaulted a child. The Department of Children and Families is required to send to the State Department of Education a copy of the report. Within seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education or his/her representative of the reasons for and conditions of the suspension. If the contract of employment of a school employee who possesses a certificate, permit or authorization issued by the State Board of Education is terminated or if such certified school employee resigns his/her employment, as a result of an investigation which reveals that child abuse has occurred, the Superintendent shall notify the Commissioner of Education within 72 hours of such termination or resignation.

## **Students**

### **Reporting Child Abuse/Neglect or Sexual Assault (continued)**

In accordance with the mandates of the law and consistent with its philosophy, the Board in establishing this policy directs the Superintendent of Schools to develop and formalize the necessary rules and regulations to comply fully with the intent of the law.

If the report of abuse or neglect involves an employee of the District as the perpetrator, the District may conduct its own investigation into the allegation, provided that such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or of law enforcement agencies.

The Superintendent shall maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee. Such records will be maintained in the District's Central Office. The records shall include any reports made to the Department of Children and Families. Such Department is to have access to all such records.

The Board, recognizing its responsibilities to protect children and in compliance with its statutory obligations shall provide to each employee in-service regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by the Department of Children and Families. In addition, all District employees shall complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. Also, all employees must complete a refresher program at least once every three years. The Principal of each school in the district shall annually certify to the Superintendent that each school employee working at such school has completed the required initial training and the refresher training.

This policy will be distributed annually to all employees. Documentation shall be maintained that all employees have, in fact, received the written policy and completed training related to mandated reporting of child abuse and neglect as required by law.

The Board of Education will post the telephone number of the Department of Children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages most appropriate for the students enrolled in the school. This information is contained in Appendix B.

Online reports may be made to the Careline by mandated reporters if the report is of a non-emergent nature. A non-emergent situation is one in which a report is mandated but the child is not in immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected or placed at risk of imminent harm in a "non-emergent" situation, can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

The Board shall not retaliate against any mandated reporter for his/her compliance with the law and Board policy pertaining to the reporting of suspected child abuse and neglect.

## Students

### Reporting Child Abuse/Neglect or Sexual Assault (continued)

#### Establishment of the Confidential Rapid Response Team

The Board of Education shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team shall consist of (1) a local teacher and the Superintendent, (2) a local police officer, and (3) any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect or sexual abuse in any school.

#### Hiring Prohibitions

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Boards of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

Legal Reference: Connecticut General Statutes  
10-220a Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations ~~(as amended by PA 11-93)~~  
10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal ~~(as amended by PA 11-93)~~  
10-221s Investigations of child abuse and neglect. Disciplinary action. ~~(as amended by PA 16-188)~~  
17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations ~~(as amended by PA 11-93 and PA 14-186)~~  
17a-101 Protection of children from abuse. Mandated reporters. Educational and training program. Model mandated reporting policy. ~~(as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)~~

## Students

### Reporting Child Abuse/Neglect or Sexual Assault (continued)

Legal Reference: Connecticut General Statutes (continued)

17a-101a Report of abuse, neglect or injury of child or imminent risk of serious harm to the child. Penalty for failure to report. Notification of Chief State's Attorney. ~~(as amended by PA 02-106, PA 11-93, and PA 15-205, PA 18-15 and PA 18-17)~~

17a-101b Report by mandated reporters. Notification of law enforcement agency when allegation of sexual abuse or serious physical abuse. Notification of person in charge of institution, facility or school when a staff member suspected of abuse or neglect.

17a-101c Written or electronic report by mandated reporter.

17a-101d Contents of reports.

17a-101e Employer prohibited from discriminating or retaliating against employee who makes a good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to Office of the Chief State's Attorney. Penalty.

17a-101g Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report.

17a-101i Abuse or neglect by school employees or staff member of public or private institution or facility providing care for children. Notice. Adoption of policy. Employee training program.

17a-101o School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters.

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

10-151 Teacher Tenure Act.

DCF Policy 22-1-3 Mandated Reporter's Failure to Report.

**PA 22-87 An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children.**

Policy adopted: May 6, 2004  
Policy readopted: June 16, 2005  
Policy readopted: December 17, 2009  
Policy readopted: March 15, 2012  
Policy readopted: March 3, 2016  
Policy readopted: November 2, 2016  
Policy revised: December 6, 2018  
Policy revised: June 17, 2021  
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

## **Students**

### **Reporting Child Abuse/Neglect or Sexual Assault**

This regulation is intended to safeguard children whose health and welfare may be adversely affected through injury and neglect and to ensure a nurturing and safe environment.

#### **A. What Must be Reported**

A report must be made when any mandated reporter of the New Fairfield Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen:

1. has had physical injury or injuries inflicted upon him /her, other than by accidental means, by a person responsible for the child's health, welfare, or care, or by a person given access to the child.
2. has injuries that are at variance with the explanation given of their occurrence.
3. is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual maltreatment, or cruel punishment.
4. has been neglected in one or more of the following ways:
  - a. has been abandoned;
  - b. is being denied proper care and attention, physically, educationally or emotionally;
  - c. is being permitted to live under conditions, circumstances or associations injurious to the child's well-being;
  - d. is in danger of being abused even though one does not have reasonable cause to suspect or believe any such abuse has actually occurred.
5. has been sexually assaulted by a school employee.

#### **B. Reporting Procedures for Statutory Mandated Reporters**

The following procedures apply only to statutory mandated reporters, as defined in policy 5141.4.

1. When an employee of the Board suspects or believes that a child has been abused, neglected, or has been placed in imminent risk of serious harm, the following steps shall be taken:
  - a. The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history or such injury, or sexually assaulted and not later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families (DCF) or his/her designee or the local law enforcement agency. (Child Abuse and Neglect Hotline (Careline): 1-800-842-2288.)

## **Students**

### **Reporting Child Abuse/Neglect or Sexual Assault**

#### **B. Reporting Procedures for Statutory Mandated Reporters (continued)**

Online reports may be made to the Careline by mandated reporters if the report is of a non-emergent nature. A non-emergent situation is one in which a report is mandated but the child is not in immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected or placed at risk of imminent harm in a “non-emergent” situation, can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

- b. The employee shall also immediately make an oral report to the Superintendent’s designee, the Building Principal.
- c. With the advice of the Building Principal, the employee shall determine if the child’s parents will be contacted.
  - Mandated reporters are under no legal obligation to inform parents that they have made a report to DCF about their child. However, depending on the circumstances, it may be necessary and/or beneficial to do so.
  - Health care professionals *may need* to talk with parents to assess the cause of a child’s injuries. Mental health professionals may *want* to talk with parents in order to offer support and guidance.
  - However, in cases of serious physical or sexual abuse, it may *not* be wise to talk with parents before reporting the case to DCF. This may put the child at greater risk and interfere with a possible criminal investigation.
- d. If a report prepared in accordance with Section (a) above concerns suspected abuse, neglect or sexual assault by a school employee, the Building Principal shall immediately notify the Superintendent who shall then notify the child’s parent or guardian that such a report has been made.
- e. Within 48 hours of making an oral report, the employee shall submit a written report to the Commissioner of Children and Families or his/her representative, containing all of the required information. DCF Form #136 should be used for the written report, and it is available in all school buildings.
- f. The employee shall immediately submit a copy of this written report to the Building Principal and the Director of Pupil Personnel Services and Special Education.
- g. If a report prepared in accordance with Section (c) above, concerns suspected abuse or neglect by a certified school employee, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault (continued)**

#### **C. Reporting Procedures for Employees Other Than Statutory Mandated Reporters**

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

1. When an employee who is not a statutory mandated reporter suspects or believes that a child has been abused, neglected or placed in imminent danger of serious harm, the following steps shall be taken:
  - a. The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected or placed in imminent danger of serious harm, and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Principal, or his/her designee, to be followed by an immediate written report to the Superintendent, or his/her designee. A copy of the report should be sent to the Director of Pupil Personnel Services and Special Education.
  - b. The Superintendent, or his/her designee, shall immediately, upon suspecting or believing that a child has been abused, neglected or placed in imminent risk of serious harm, and in no case later than 12 hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.
  - c. In cases involving suspected abuse or neglect by a school employee, the Superintendent, or his/her designee, shall immediately follow protocol in Section D, **Reporting of Child Abuse, Neglect, or Sexual Assault by School Employees** and notify the child's parent or guardian that such a report has been made.

#### **D. Reporting of Child Abuse/Neglect/Sexual Assault by School Employees**

CGS 17a-101 requires mandated reporters to report child abuse, neglect or sexual assault by school employees.

1. In cases where the mandated reporter suspects or believes such injury has been inflicted by a school employee, he/she shall report that suspicion orally or in person to the Department of Children and Families within 12 hours, followed within 48 hours with a written report.
2. The Superintendent of Schools or supervising agent shall be notified immediately after the oral report has been made and shall also receive a copy of the written report.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault**

#### **D. Reporting of Child Abuse/Neglect/Sexual Assault by School Employees (continued)**

3. The Superintendent shall immediately notify the child's parent or other person responsible for the child's care that a report has been made.
4. The written report to the Commissioner of the Department of Children and Families or his/her representative, concerning a certified school employee, shall also be sent by the Superintendent to the Commissioner of Education or his/her representative.
5. The report shall contain information listed in Section G of this Board regulation.
6. The Superintendent is obligated to immediately begin the investigation of the report with the Department of Children and Families. The Superintendent may request assistance from the local police or state police in the investigation.
7. If the Superintendent finds evidence of child abuse, neglect or sexual assault by a school employee, he/she must immediately notify the child's parent or guardian, the local or state police, the Commissioner of Children and Families or his/her representative, and, in the case of an investigation of a certified school employee, the Commissioner of Education or his/her representative.
8. When an investigation produces such evidence, and the employee in question is in a position requiring a certificate, the Superintendent must suspend the certified employee with pay and without diminution or termination of benefits, provided he/she notifies the Board of Education of the reasons for the suspension within 72 hours thereafter.
9. The suspension remains in effect until the Board takes action pursuant to CGS 10-151 (Teacher Tenure Act).

#### **E. Investigation of the Report**

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, provided that such investigation does not interfere with or impede DCF's investigation or the law enforcement agency's investigation. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or the alleged abusers.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault**

#### **E. Investigation of the Report** (continued)

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

1. **Evidence of Abuse by Certified School Employee:** After an investigation has been completed and the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected or sexually assaulted by an employee in a position requiring a certificate, the Commissioner shall notify the Superintendent of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent, who shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits. Within 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status or certification. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education acts, pursuant to the provisions of Connecticut General Statutes.

Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable collective bargaining agreement and/or statute, if the Superintendent's investigation produces evidence that a child has been abused by a certified school staff member.

If the contract of employment of a certified school employee is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

2. **Evidence of Abuse by Other School Staff:** If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been abused by a non-certified school staff member, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault (continued)**

#### **F. Delegation of Authority by Superintendent**

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

#### **G. Contents of All Reports**

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

1. the names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. the age of the child;
3. the gender of the child;
4. the nature and the extent of the child's injuries, maltreatment or neglect that has occurred;
5. the approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
7. the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
8. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
9. The reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
11. whatever action, if any, was taken to treat, provide shelter or otherwise assist, the child.

For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a district school, other than part of an adult education program.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault (continued)**

#### **H. Removal of Clothing**

In the event that visual confirmation of injury or neglect is necessary, only the school nurse or school physician may make a request to remove the child's clothing. Neither a school nurse nor a school physician may remove or insist that a child remove clothing to confirm suspected abuse or neglect, except in those circumstances where there is a need for emergency medical treatment. The school nurse or school physician may request that a child remove clothing when the following three conditions exist:

1. a child by word or action, has identified a particular injury, the extent of which can only be determined by removing the child's clothing;
2. the examination is necessary to determine whether medical attention is required and not merely to confirm suspected abuse;
3. the request is made in such a manner that the child clearly understands that compliance with the request is optional and that no adverse consequences will result from a refusal to comply.

In addition to the school nurse or school physician, a staff member of the same sex as the child will be present during such an examination.

#### **I. Emergency Care**

If a school nurse or school medical adviser is not readily available and there is a need for emergency first aid, other public school personnel who have completed a course in first aid may render emergency first aid to the child. A person providing such aid is not liable for civil damages for any personal injuries which result from acts or omissions in rendering the emergency first aid.

Transportation for a child to a hospital in an emergency situation that may be a result of abuse or neglect will be provided to the same extent as it would be provided to any other child in need of emergency service.

#### **J. Role of Department of Children and Families**

##### **1. Determination of Need (In-School Interview)**

If the Child Study Team or the Principal believes that an interview in the school setting may be necessary in order to protect the child, the Department of Children and Families must be notified as early in the school day as possible. DCF will advise school personnel whether the child must be interviewed in the school.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault**

#### **J. Role of Department of Children and Families (continued)**

If the DCF determines that a school interview is appropriate, the DCF social worker will notify the building Principal prior to the school visit. The DCF worker will provide the building Principal or Principal's designee with DCF notification upon request.

Should the DCF social worker not arrive as scheduled and school personnel decide that the retention of the child beyond the school day is necessary to protect the child's physical well-being, the principal or his/her designee must attempt to notify the parents of the child. If reasonable attempts to notify the parents fail, the principal will notify the police of the child's retention.

#### **2. Process (In-school Interview)**

The school will provide a private place for the DCF worker to interview the child. School personnel will not be a part of the interview unless specifically asked to do so. In either event, the investigation is to be conducted solely by the DCF worker.

If during the course of the investigation, the DCF worker requests the removal of clothing worn by the child, the examination will be made by the school nurse or the school physician in the presence of the DCF worker in accordance with the procedures outlined above.

#### **3. Removal from the Home and/or School**

If the DCF has probable cause to believe that the child is suffering from serious physical illness or injury or is in immediate danger from his/her surroundings, and that immediate removal from such surroundings is necessary to ensure the child's safety, the DCF may remove or authorize a law enforcement official to remove the child from such surroundings without the consent of the child's parent or guardian. If removal of the child from the school is determined, the DCF shall inform the building Principal of the removal.

It is the responsibility of the DCF to notify the parents of any activities or actions taken by the DCF following the interview.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault (continued)

#### K. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Mentally Retarded Persons

In addition to the reporting procedures set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists and social workers report any suspected abuse or neglect of mentally retarded persons over the age of 18. It is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in connection with the suspected abuse or neglect, as defined below, of any mentally retarded person over the age of 18.

1. **Definitions** – For the purposes of this policy:

“**Abuse**” means the willful infliction of physical pain or injury or willful deprivation by a caretaker of services which are necessary to the person’s health or safety.

“**Neglect**” means a situation where a mentally retarded person either is living alone or is not able to provide for himself/herself the services which are necessary to maintain his/her physical and mental health or is not receiving such necessary services from the caretaker.

2. **Reporting Procedures** – If an employee has reasonable cause to suspect that a mentally retarded person has been abused or neglected, he/she shall, within five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities, to be followed by a written report within five additional calendar days, or shall immediately notify the Superintendent in order for the Superintendent to make such oral and written reports to the Office of Protection and Advocacy. In the event that an employee makes a report to the Office of Protection and Advocacy, the employee shall immediately notify the Superintendent.

3. **Contents of Report** – Any such report shall contain the following information:

- a. the name and address of the allegedly abused or neglected person;
- b. a statement from the reporter indicating a belief that the person is mentally retarded, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c. information concerning the nature and extent of the abuse or neglect; and
- d. any additional information which the reporter believes would be helpful in investigating the report or in protecting the mentally retarded person.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### K. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Mentally Retarded Persons (continued)

4. **Investigation of Report** – If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report following the procedures regarding the investigation of reports of child abuse set forth in paragraph (E) above.

If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that a mentally retarded person has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

#### L. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

#### Other Penalties:

- Financial penalty of between \$500 and \$2,500 may be levied against the mandated reporter; penalty is to be paid by the mandated reporter.
- Participation in an educational training program at the personal expense of the mandated reporter, as decided by DCF.
- Written notification to the Commissioner of Education by the state's attorney for being a mandated reporter who failed to report.

#### **ADDITIONAL SANCTIONS OF P.A. 02-138: AN ACT CONCERNING PENALTIES FOR SEXUAL ASSAULT OF A MINOR, CIVIL AND CRIMINAL STATUTES OF LIMITATIONS IN SEXUAL ASSAULT CASES, REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT, DISCLOSURE OF RECORDS OF TEACHER MISCONDUCT. . . .**

- Expands significantly the statutes of limitations for certain criminal and civil matters related to sexual abuse, sexual exploitation and sexual assault of a minor.
- Increases the penalties for various sex crimes in cases where the victim is under 16 years of age.
- Creates an exception to the statutes concerning teacher performance and evaluation that makes a teacher's personal misconduct records public and subject to disclosure under FOI without the teacher's consent.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault (continued)**

#### **M. Non-Discrimination Policy**

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy or testifies or is about to testify in any proceeding involving abuse or neglect.

#### **N. Training**

All District employees are required to complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. In addition, all employees must complete a refresher program at least once every three years. Employees hired before July 1, 2011 must complete the refresher training program by July 1, 2012 and must retake it once every three years thereafter.

The School Principal shall annually certify to the Superintendent that each school employee working at his/her school has completed the required initial training and the refresher training.

#### **O. Confidential Rapid Response Team**

The District will establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team consists of a local teacher, the Superintendent, a local police officer, and any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect or sexual abuse in any school.

#### **P. Hiring Prohibitions**

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect; or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

**Students**

**Reporting of Child Abuse/Neglect or Sexual Assault**

**P. Hiring Prohibitions** (continued)

The Board of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

(cf. 4112.5/4212.6 – Personnel Records)

(cf. 5141.511 – Sexual Abuse Prevention and Education Program)

Regulation approved: May 6, 2004  
Regulation reapproved: June 16, 2005  
Regulation reapproved: December 17, 2009  
Regulation reapproved: March 3, 2016  
Regulation reapproved: November 2, 2016  
Regulation reapproved: December 6, 2018  
Regulation reapproved: June 17, 2021

**NEW FAIRFIELD PUBLIC SCHOOLS**  
New Fairfield, Connecticut

## **Students**

### **Indicators of Abuse/Neglect**

### **Indicators of Physical Abuse**

#### **HISTORICAL**

- Delay in seeking appropriate care after injury
- No witnesses
- Inconsistent or changing descriptions of accident by child and/or parent
- Child's developmental level inconsistent with history
- History of prior "accidents"
- Absence of parental concern
- Child handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent
- Unexplained school absenteeism
- History of precipitating crisis

#### **PHYSICAL**

- Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso
- Clusters of skin lesions; regular patterns consistent with an implement
- Shape of lesions inconsistent with accidental bruise
- Bruises/welts in various stages of healing
- Burns; pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges
- Fractures/dislocations inconsistent with history
- Laceration of mouth, lips, gums or eyes
- Bald patches on scalp
- Abdominal swelling or vomiting
- Adult-size human bite mark(s)
- Fading cutaneous lesions noted after weekends or absences
- Rope marks

#### **BEHAVIORAL**

- Wary of physical contact with adults
- Affection inappropriate for age
- Extremes in behavior, aggressiveness/withdrawal
- Expresses fear of parents
- Reports injury by parent
- Reluctance to go home
- Feels responsible (punishment "deserved")
- Poor self-esteem
- Clothing covers arms and legs even in hot weather

## **Students**

### **Indicators of Abuse/Neglect**

#### **Indicators of Sexual Abuse**

##### **HISTORICAL**

- Vague somatic complaints
- Excessive school absence
- Inadequate supervision at home
- History of urinary tract infection or vaginitis
- Complaint of pain; genital, anal or lower back/abdominal
- Complain of genital itching
- Any disclosure of sexual activity, even if contradictory

##### **PHYSICAL**

- Discomfort in walking, sitting
- Evidence of trauma or lesions in and around mouth
- Vaginal discharge/vaginitis
- Vaginal or rectal bleeding
- Bruises, swelling or lacerations around genitalia, inner thighs
- Dysuria
- Vulvitis
- Any other signs or symptoms of sexually transmitted disease
- Pregnancy

##### **BEHAVIORAL**

- Low self-esteem
- Change in eating patterns
- Unusual new fears
- Regressive behaviors
- Personality changes (hostile/aggressive or extreme compliance)
- Depression
- Decline in school achievement
- Social withdrawal; poor peer relationships
- Indicates sophisticated or unusual sexual knowledge for age
- Seductive behavior, promiscuity or prostitution
- Substance abuse
- Suicide ideation or attempt
- Runaway

## **Students**

### **Indicators of Abuse/Neglect**

#### **Indicators of Emotional Abuse**

#### **HISTORICAL**

- Parent ignores/isolates/belittles/rejects/scapegoats child
- Parent's expectations inappropriate to child's development
- Prior episode(s) of physical abuse
- Parent perceives child as "different"

#### **PHYSICAL**

- (Frequently none)
- Failure to thrive
- Speech disorder
- Lag in physical development
- Signs/symptoms of physical abuse

#### **BEHAVIORAL**

- Poor self-esteem
- Regressive behavior (sucking, rocking, enuresis)
- Sleep disorders
- Adult behaviors (parenting siblings)
- Antisocial behaviors
- Emotional or cognitive developmental delay
- Extremes in behavior - overly aggressive/compliant
- Depression
- Suicide ideation/attempt

## **Students**

### **Indicators of Abuse/Neglect**

### **Indicators of Neglect**

#### **HISTORICAL**

- High rate of school absenteeism
- Frequent visits to school nurse with nonspecific complaints
- Inadequate supervision, especially for long periods and for dangerous activities
- Child frequently unattended; locked out of house
- Parental inattention to recommended medical care
- No food intake for 24 hours
- Home substandard (no windows, doors, heat); dirty, infested, obvious hazards
- Family member addicted to drugs/alcohol

#### **PHYSICAL**

- Hunger, dehydration
- Poor personal hygiene, unkempt, dirty
- Dental caries (tooth decay)/poor oral hygiene
- Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day
- Constant fatigue or listlessness
- Unattended physical or health care needs
- Infestations
- Multiple skin lesions/sores from infection

#### **BEHAVIORAL**

- Comes to school early, leaves late
- Frequent sleeping in class
- Begging for/stealing food
- Adult behavior/maturity (parenting siblings)
- Delinquent behaviors
- Drug/alcohol use/abuse



## **Department of Children & Families**

### **CARELINE**

**To make a child abuse or neglect report, please call**  
**1-800-842-2288** (TDD: 1-800-624-5518)

The Careline is staffed by full-time, highly-skilled professionals of the Department who receive and process reports of alleged child abuse and neglect. The Careline worker gathers critical information from the caller to determine if a report meets Connecticut's statutory criteria for child abuse or neglect. Those reports that meet the criteria are forwarded to a Department of Children & Families (DCF) case investigator for prompt and appropriate action.

Current law requires that DCF make its best effort to begin an investigation within two hours if there is imminent risk of physical harm and within 72 hours for other reports.

In situations where it has been determined that an investigation is not warranted, the Careline worker may refer the caller to an appropriate service program in his/her community.

If child abuse or neglect is substantiated, a case may be opened by the Department for protective services provided by staff from the DCF Regional Office or sub-office covering the child's hometown.

<http://www.ct.gov/dcf/cwp/view.asp?a=2534&Q=532140#Careline>

*Existing policy with updates to reflect P.A. 22-80.*

## **Students**

### **Discipline**

#### **Physical Exercise and Discipline of Students**

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. The Board requires that each student in elementary school shall have not less than twenty minutes daily in total devoted to physical exercise, except that a Planning and Placement Team may alter such schedule for a child requiring special education and related services. Further, the Board permits, in its elementary schools, including an additional amount of time, beyond the required twenty minutes for physical exercise, devoted to undirected play during the regular school day, subject to the approval of the building administration.

All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

#### **1. Loss of Recess as Disciplinary Consequence**

Except as provided below, school employees may NOT prevent a student in elementary school from participating in the entire time devoted to physical exercise or undirected play in the regular school day as a form of discipline. Recess and other physically active learning opportunities may include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students in physical activity that is the time devoted each day (at least 20 minutes) to physical exercise in the District's elementary schools.

~~Loss of recess or other physically active learning opportunities as a form of discipline may be permitted on a case-by-case basis if approved in writing by the building administration prior to the imposition of the discipline. Such approval may be granted for safety reasons, as a last resort before in-school suspension, or in extraordinary situations when alternative strategies to address student misconduct have been ineffective.~~

~~This restriction shall not apply to students who are receiving in-school suspension.~~

School employees may prevent or restrict recess when:

- a. a student poses a danger to the health or safety of other students or school personnel  
or
- b. it is limited to the shorter recess period if there are two or more recess periods in the school day, so long as the student is allowed to participate in at least 20 minutes of physical activity during the school day.

## **Students**

### **Discipline**

#### **Physical Exercise and Discipline of Students**

**1. Loss of Recess as Disciplinary Consequence** (continued)

Recess prevention or restriction may be imposed only once during a school week, unless the student is a danger to the health or safety of other students or school personnel. Recess prevention or restriction is not allowed for a student's failure to complete their work on time or for the student's academic performance. Discipline may be imposed before recess begins and/or imposed during recess. Appropriate interventions shall be used to redirect a student's behavior during recess.

**2. Physical Activity as Punishment**

School employees may NOT require students enrolled in grades K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

**3. Wellness Instruction**

School employees shall not prevent students from participating in physical exercise or undirected play during wellness instruction as a form of discipline.

This restriction does not apply to brief periods of respite/time-outs, referrals to the building administrator, or for safety reasons.

At no time shall an entire class be prevented from participating in wellness instruction or physical exercise activity as a disciplinary consequence.

The Superintendent of Schools is authorized to develop guidelines to implement this policy.

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP) developed by the student's Planning and Placement Team (PPT).

For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

Any employee who fails to comply with this policy will be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of District students and who fails to comply with the requirements of this policy may be subject to having his/her contract for services suspended by the District.

## Students

### Discipline

#### Physical Exercise and Discipline of Students

(cf. 6142.10 – Health Education Program)

(cf. 6142.101 – Wellness)

(cf. 6142.61 – Physical Activity)

(cf. 6142.6 – Physical Education)

Legal Reference: Connecticut General Statutes

10-221o Lunch periods. Recess. ~~(as amended by P.A. 12-116, An Act Concerning Educational Reform, P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools and P.A. 19-173 An Act Concerning the Improvement of Child Development Through Play)~~

10-221u Boards to adopt policies addressing the use of physical activity as discipline. ~~(as amended by PA 18-15)~~

PA 22-81 An Act Expanding Preschool and Mental and Behavioral Services for Children.

Policy adopted  
Policy revised:

December 19, 2019

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

*A sample of this mandated policy to consider with update reflecting PA 22-87.*

## **Students**

### **Exploitation; Sexual Harassment**

### **Sexual Abuse Prevention and Education Program**

#### **Definitions**

**Sexual violence** is a multi-layered oppression that occurs at the societal and individual level and is connected to and influenced by other forms of oppression, in particular, sexism, racism and heterosexism. On the societal level, it is the preponderance of attitudes, actions, social norms that perpetuate and sustain environments and behaviors that promote a cultural tolerance, acceptance, and denial of sexual assault and abuse. On an individual level, sexual violence is a wide range of sexual acts and behaviors that are unwanted, coerced, committed without consent, or forced either by physical means or through threats.

**Sexual abuse** refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth, and sexual contact is considered abuse, regardless of whether it includes touching or not.

**Sexual assault** usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse – a trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

#### ***Alternate Definition***

**Sexual assault** can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. This includes sexual activity such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

## **Students**

### **Exploitation; Sexual Harassment**

#### **Sexual Abuse Prevention and Education Program (continued)**

##### **Program**

The \_\_\_\_\_ Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed, in compliance with C.G.S 17a-101q, by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources. The District's implementation of the Sexual Abuse and Assault Awareness and Prevention Program, per statute, shall be not later than October 1, 2016. The program, for students in Grades K-12, inclusive, shall include, but not be limited to:

1. Providing teachers instructional modules that may include, but not be limited to:
  - a. Training regarding the prevention and identification of, and response to, child sexual abuse and assault, and
  - b. Resources to further student, teacher and parental awareness regarding child sexual abuse and the prevention of such abuse and assault.

##### ***Alternate Language:***

1. Providing mandatory training to all District staff to ensure they are fully informed on:
  - a. The warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse,
  - b. Mandatory reporting requirements,
  - c. Prevention and identification of, and response to, child sexual abuse and assault,
  - d. Bystander and appropriate interaction with children and training programs,
  - e. School District policies pertaining to sexual abuse and sexual misconduct,
  - f. Establishing and maintaining professional relationships with students,
  - g. Available resources for children affected by sexual abuse or misconduct, and
  - h. Appropriate follow-up and care for abused students as they return to the classroom setting.
2. Providing students age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to:
  - a. The skills to recognize:
    - i. Child sexual abuse and assault,
    - ii. Boundary violations and unwanted forms of touching and contact, and
    - iii. Ways offenders groom or desensitize victims.

## Students

### Exploitation; Sexual Harassment

#### Sexual Abuse Prevention and Education Program (continued)

*Alternate Language:* (continued)

- b. Strategies to promote disclosure, reduce self-blame and mobilize bystanders.
- c. Actions that child victims of sexual abuse and assault may take to obtain assistance.
- d. Intervention and counseling options for child victims of sexual abuse and assault.
- e. Access to educational resources to enable child victims of sexual abuse and assault to succeed in school.
- f. Uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

The lessons should be evidence-informed, developmentally and age appropriate and informed by the required curricula standards and performance indicators contained in the SDE Guidelines (Section Three).

[*Note: Above items a, b, c, d, e, and f are required per P.A. 14-196.*]

- 3. Implementing a child sexual abuse curriculum to provide age-appropriate information to teach students the difference between appropriate and inappropriate conduct in situations where child sexual abuse or sexual assault could occur, and to identify actions a child may take to prevent and report sexual abuse or sexual assault. Students will be:
  - a. Provided with resources and referrals to handle these potentially dangerous situations.
  - b. Provided access to available counseling and educational support.

The Board of Education directs the Superintendent develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in the sexual abuse, assault awareness and prevention program offered within the school, in its entirety or any part thereof, upon receipt by the Principal or his/her designee, of a written request from the student's parent/guardian.

*(Alternate language: A student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal of a written request from the student's parent or guardian.)*

Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be followed for all acts of violence and sexual abuse against children as delineated in policy #5141.4, "Reporting of Suspected Child Abuse," and its accompanying regulations.

## **Students**

### **Exploitation; Sexual Harassment**

#### **Sexual Abuse Prevention and Education Program (continued)**

##### **Reporting Child Sexual Abuse and Assault**

Connecticut General Statutes §17a-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school guidance counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Reporting suspected abuse and/or neglect of children, in addition to the requirements pertaining to staff training, record keeping and dissemination of this policy, shall be in accordance with the procedures established and set forth in the Administrative Regulation #5141.4.

(cf. 5131.911 – Bullying)

(cf. 5141.4 – Reporting of Suspected Child Abuse)

(cf. 5145.5 – Sexual Harassment)

Legal Reference: Connecticut General Statutes  
17a-101q Statewide sexual abuse and assault awareness and prevention program  
A Statewide K-12 Sexual Assault and Abuse Prevention and Awareness Program developed by DCF, SDE, and Connecticut Alliance (The Alliance) to End Sexual Violence.  
PA 22-87 AN Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children

Policy adopted:

rev 8/16

rev 7/22