

## **Policy Subcommittee Meeting**

Wednesday, October 25, 2023 \*6:30 p.m. \*Please note change in the start time of the meeting.

Meeting Access: Policy Subcommittee (10/25/23 at \*6:30 p.m.) Web: <https://zoom.us/j/93235085278> Dial In: (929) 205-6099 Meeting ID: 932 3508 5278, 3 Brush Hill Road, New Fairfield, CT 06812

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

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

#### **II.A. September 27, 2023 - Regular**

### **III. ACTION ITEMS**

#### **III.A. Policy 6159 – Individualized Education Program/Special Education Program**

#### **III.B. Policy 7230.2 – Extensions/Renovations or Replacements**

#### **III.C. Policy 6172.6 – Virtual/Online Courses**

### **IV. INFORMATION ITEMS**

#### **IV.A. Kindergarten Age Requirement – CSDE Considerations**

### **V. OTHER**

### **VI. ADJOURNMENT**

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

Name of Subcommittee: Policy Meeting type: Regular  
Date of Meeting: 9/27/23 Place of Meeting: Zoom  
Members present: Kathy Baker, Samantha Mannion, Amy Johnson, Stephanie Strazza  
Members absent:  
Other attendees: Ken Craw, Paul Gouveia, Dominic Cipollone  
Minutes submitted by:  
Meeting Access: Policy Subcommittee (9/27/23 at 7:00 p.m.) Web:  
<https://zoom.us/j/99313934118> Dial In: (929) 205-6099 Meeting ID: 993 1393 4118

The meeting was called to order at 7 p.m.  
Samantha Mannion made a motion to elevated Dom Cipollone to voting status, seconded by Kathy Baker, all in favor.

**II. APPROVAL OF MINUTES**

A. August 23, 2023 – Regular

**Motion:** To approve the minutes of the August 23, 2023, meeting as presented

Made by: Samantha Mannion

Seconded by: Amy Johnson

**Recording of Vote:** All in favor

**III. ACTION ITEMS**

A. Policy 1330 – Use of School Facilities (Field Fees) – The policy, including Appendix A and Appendix B, was reviewed. The purpose of bringing this policy to the subcommittee is to review and raise fees in anticipation of replacement of turf facilities at the high school. Various revisions were made to the policy and Appendix A. Revisions to Appendix B include raising the per-participant fee in Category 3 to \$50.00, charging \$5.00 additional per athlete for use of each additional field, and deleting *seasonal charge for use of John John Pendergast Field*.

**Motion:** To move Policy 1330, Appendix A and Appendix B as revised to the full Board for approval

Made by: Samantha Mannion

Seconded by: Kathy Baker

**Recording of Vote:** All in favor

**IV. INFORMATION/ACTION ITEMS**

A. Policy 5118 – Nonresident Students – At the previous Policy Subcommittee meeting, there was discussion regarding concerns that Policy 5118 is being implemented with verification practices that are in place. Newly implemented strategies, continued strategies, and recommended strategies were discussed. We are working with the Tax Assessor to cross reference property transfers with Powerschool records and car tax records, post card audit, and collaboration with First Student with bus driver awareness of students listed as taking a particular bus. Continued strategies include detailed review of the lease/host verifications and a recommended strategy is periodic re-enrollment of students. Various scenarios of nonresident students attending NFPS were discussed, and the committee agreed that the strategies presented are good starting points. It is recommended we implement immediate strategies and target one grade to pilot new strategies to see how it goes. For the next Policy Sub meeting, the subcommittee would like to review language added to the policy “to authorize the Administration to implement strategies for verification of residency” and requests that data be gathered to review which strategies work and do not work.

**V. INFORMATION ITEMS**

A. Policy 5112 – Ages of Attendance (Kindergarten Age Requirement) – This topic was discussed at the last Curriculum Subcommittee meeting. Starting in the 2024-25 school year, a child must be 5 by September 1<sup>st</sup> in order to register for kindergarten. Parents of students turning five after September 1<sup>st</sup> can request a waiver, and the child’s readiness for kindergarten will be assessed. We currently have 22 students who will turn five during the Sept. 2<sup>nd</sup> – Dec. 31<sup>st</sup> time period. We have not yet received our custom update for this policy from CAFE. A committee has been formed on the elementary level about this topic, and their recommendations will be brought to the Curriculum Subcommittee.

**VI. OTHER** – The topic of high school badges was discussed. Vaping in high school bathrooms and vaping sensors were discussed.

**VII. ADJOURNMENT**

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

**Seconded by:** Stephanie Strazza

**Recording of vote:** All in favor

**Meeting adjourned at:** 8:40 p.m.

*Existing policy with update to reflect P.A. 23-137.*

## **Instruction**

### **Individualized Education Program/Special Education Program**

The school district shall comply with all state and federal laws concerning the provision of a free appropriate public education to students with disabilities.

### **Referral**

~~The school district is responsible for identifying children with disabilities and for determining whether such children are eligible for special education services. Any child who is a resident of the Town, whether a student of the school district, of pre-school age, or between the ages of three and 21 years of age, inclusive, but not attending district schools, who is identified as potentially being in need of special education shall be referred to a "Special Education Planning and Placement Team" (PPT) which shall make an evaluative study to determine whether special education is required and to establish the scope of the special education services.~~

~~Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22<sup>nd</sup> birthday or until they graduate from high school with a regular high school diploma. In accordance with state and federal guidelines, the Planning and Placement Team (PPT) determines whether the student, upon completion of high school graduation requirements, requires transition only services.~~

~~In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education; (2) The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.~~

~~Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the students turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30.~~

Prior to the referring of a student for special education, the pre-referral process should be completed. This process assures that strategies in the regular education setting have been developed, implemented and evaluated. If it is determined that the alternative strategies have been attempted and that significant progress towards meeting the student's identified needs has not been made, then the student shall be referred to the Planning and Placement Team in order to determine eligibility for special education.

Each child who has been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance shall be referred to the Planning and Placement Team for consideration of eligibility for special education services.

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Referral** (continued)

A parent, physician, social worker, or other outside agency may refer a student directly for special education services. During these situations the alternative strategies process may be bypassed.

#### **Planning and Placement Team or Individualized Education Program Team**

The Planning and Placement Team (PPT) for any identified student shall consist of at least the following:

1. A representative of the District other than the individual's teacher, who is qualified to provide, or supervise, the provision of special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
2. Not less than one special education teacher of the child, or if appropriate, not less than one special education provider of the child;
3. Not less than one regular education teacher (if the child is, or may be, participating in the regular education environment);
4. One or both of the student's parents, a surrogate parent, and/or a representative chosen by the parent;
5. The student, where appropriate;
6. For a student who is being evaluated for the first time, a member of the assessment team shall be present, and at least one of the persons present shall be knowledgeable about the assessment procedures;
7. The school paraprofessional assigned to the student if requested by the parent, and
8. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement.

Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Planning and Placement Team or Individualized Education Program Team** (continued)

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

A PPT team member is not required to attend all or part of a PPT meeting if the parents and District agree the team member's participation is not necessary because the member's area of curriculum or related services is not being modified or discussed at the meeting.

If the PPT meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents/guardians and the District may agree to excuse the member from attending all or part of the meeting if the member submits written input to the PPT and parent prior to the meeting. Parental consent, in writing is required in either case.

If the purpose of a PPT meeting is the consideration of transition services for a student, the District shall invite the student and a representative of any other agency that is likely to be responsible for providing or paying for transition services.

In the event of a meeting to review or revise the individualized education program of a child in an out-of-district or a private placement, a representative of the out-of-district or private facility shall also be invited. In addition, a representative of the outside facility shall contribute to the development of the individual educational program.

#### **Parental Participation**

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate may have advisors and the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

Upon parental/guardian request, a member of the PPT designated by the District will offer a meeting with the parent/guardian after their child has been assessed for possible placement in special education and before the PPT meets. The sole purpose of this meeting will be to discuss the PPT process and any concerns the parent/guardian has about the students. In addition, if requested, by the parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Parental Participation** (continued)

The Board of Education shall take steps to ensure that one or both of the child's parents are afforded the opportunity to participate in each meeting to develop, review or revise the individualized education program for that child. Every effort shall be made to schedule meetings at a mutually agreed-upon time and place. Parents/Guardians and the District may agree to conduct IEP meetings and other meetings through alternative means, such as, including but not limited to, video conferences or conference calls. Steps to ensure parental participation shall be taken in accordance with the following:

1. The District will provide parents/guardians a procedural safeguards notice, at least annually, except that a copy also shall be given, upon initial referral or parental/guardian request for evaluation, upon the first filing of a due process complaint or upon parental/guardian request advising them in writing, in their dominant language, of their rights with respect to the provision of a free appropriate education for children with disabilities.
2. The District will place a current copy of the Procedural Safeguards notice on the District Website.
3. Written prior notice to the parents/guardian of a child for which the District is proposing or refusing to initiate or change the identification, evaluation or educational placement of the child, shall also specify the purpose, time and location of the meeting and who has been invited.
4. If neither parent/guardian can attend, reasonable efforts shall be made to secure parental/guardian participation by other means such as conference calls or home visits.
5. A meeting may be conducted without a parent/guardian in attendance if the Board of Education is unable to secure parental/guardian attendance. In this event, the Board of Education shall have a detailed record of its attempts to arrange parent participation.
6. The Board of Education shall take any and all actions necessary to ensure that the parents/guardians understand the proceedings at the meeting. This shall include, but not be limited to, providing an interpreter for the parents/guardians who are in need of such services.
7. A full written explanation of all due process procedures available to parents/guardians shall be provided upon parental/guardian request unless as specified in #1 above.
8. The parent/guardian of a child with a disability may elect to receive notices under IDEA by electronic mail, if the District makes such an option available.

#### **Planning and Placement Team Description**

The Planning and Placement Team is required to convene in the following situations:

1. to develop an evaluation plan for a student referred for eligibility determination, as well as for students already identified but requiring further evaluation;

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Planning and Placement Team Description** (continued)

2. to review the results of the evaluations and to identify the student as disabled, if indicated;
3. to develop an individualized educational program (IEP), based upon evaluation results and to determine the proper placement;
4. to review the special education program for a child periodically, but not less frequently than annually or more frequently if deemed necessary and to make the necessary IEP modifications, adjustments or program changes.
5. to exit a student from special education and/or related services, if evaluation results warrant.

## **Evaluations**

Each child who has been referred and who may require special education and related services shall be evaluated in order to determine whether special education is required. Each child receiving special education and related services shall be re-evaluated in accordance with IDEA procedures if the District determines that the education or related service needs including improved academic achievement and functional performance of the child warrant a reevaluation. In addition, a re-evaluation shall be conducted upon the request of the parent or personnel working with the child. A reevaluation shall occur not more frequently than once a year unless the parent and district agrees otherwise, and at least once every three years.

A comprehensive initial evaluation shall be conducted for each child referred who may require special education and related services. The evaluation shall include reports concerning the child's educational progress, structured observation, and such psychological, medical, developmental and social evaluations as may be appropriate in determining the nature and scope of the child's exceptionality. Such reports may include information concerning the child's physical condition, socio-cultural background and adaptive behavior in home and in school. All sources of information shall be documented. If the child is dominant in a language other than English, the evaluation study shall also include systematic teacher observation of the specific areas of concern. Detailed information about the child's performance at home and in the community and any prescriptive or diagnostic teaching which has taken place shall be included.

The evaluation procedures, instruments and techniques shall be non-discriminatory and be validated for the specific purpose for which they have been designed. All such evaluation procedures, instruments, and techniques shall be administered by appropriately certified and/or licensed personnel in accordance with procedures recommended by the test publisher.

1. All evaluation procedures, instruments and techniques shall be administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is not feasible to so provide or administer.

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Evaluations** (continued)

2. More than one evaluation measure or assessment shall be used as the basis for placement. The results of standardized or local tests of ability, aptitude, affect, achievement and aspiration shall not be exclusively used as the basis for placement.
3. Tests shall be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (except where those skills are the factors which the test purports to measure.)
4. Evaluation procedures, instruments and techniques shall include those designed to assess specific areas of educational need and, where appropriate, language dominance, and shall not be limited to those which are designed to provide a general intelligence quotient.
5. In making a determination of eligibility, a child shall not be determined to be a child with a disability if the dominant factor for such determination is the lack of appropriate instruction in reading, including the essential components of reading instruction and/or math and/or limited English proficiency or a student's disciplinary actions or record. Further, the District is not required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation or mathematical reasoning.
6. In determining whether a child has a specific learning disability, the District may use a process that determines if the child responds to scientific research based intervention, as part of the evaluation procedures.

#### **Independent Evaluation**

Parents have the right to obtain an independent evaluation, conducted by an appropriately certified and/or licensed examiner who is not employed by the responsible Board of Education, of their child. The PPT shall provide to parents/guardians, on request, information about where an independent evaluation may be obtained.

Parents have the right to an independent evaluation at public expense if the parents disagree with an evaluation obtained by the Board of Education. However, the Board of Education may initiate a due process hearing, to be conducted by the State Department of Education, to show that its evaluation is appropriate. If there is a determination by the State Department of Education Hearing Officer that the evaluation of the school district was appropriate, the parents still have the right to an independent evaluation, but not at public expense. For purposes of this policy, "at public expense" means that the evaluation is provided at no cost to the parents.

## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Independent Evaluation** (continued)

If the parents obtain an independent evaluation at private expense, the results of the evaluation must be considered by the PPT in any decision concerning the provision of a free appropriate public education to the child and may be presented as evidence at a due process hearing conducted pursuant to the State Department of Education.

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

#### **Individualized Education Program (IEP)**

The individualized education program shall be based upon the diagnostic findings of the evaluation. The Planning and Placement Team shall base recommendations for any changes in a child's individualized education program upon the child's current individualized education program and any information relating to the child's current educational performance.

Each Planning and Placement Team shall develop, or revise, whichever is appropriate, the individualized education program for each child requiring special education and related services annually. In the case of a student enrolled after the last day of the previous school year, this process will commence on the first day of the school year.

The individualized education program shall be a written statement developed by the PPT which shall include the following:

1. A statement of the child's present levels of academic achievement and functional performance, including, where appropriate, academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills and self-help skills;
2. A statement of annual educational goals for the school year "reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances," under the child's individualized educational program;
3. A statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be available on the progress the child is making toward meeting the annual goals. (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) The child's educational program must be appropriately ambitious in light of his/her circumstances and provide the opportunity to meet challenging objectives.
4. A statement of specific educational services needed by the child, including a description of special education, related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, which are needed to meet the needs of the child. Such description shall include the type of transportation necessary and a statement of the recommended instructional settings;

## **Instruction**

### **Individualized Education Program/Special Education Program (continued)**

#### **Individualized Education Program (IEP) (continued)**

5. The date when those services will begin and length of time the services will be given with the length of the school day and school year needed to meet the child's special education needs, including criteria to determine when services will no longer be needed;
6. A description of the extent to which the child will be involved in and make progress in the general education curriculum defined as the same curricula for nondisabled children. This shall include a description of how the regular education program will be modified to meet the child's needs;
7. A list of the individuals who shall implement the individualized program; and
8. In the case of a residential placement, whether such placement is being recommended because of the need for services other than educational services.
9. If it is determined that the child will take an alternate assessment on a State or District assessment of student achievement, the IEP must contain in a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.
10. Pursuant to state statute, transition services are required beginning not later than the first individualized education program (IEP) to be in effect when the child turns 14 and younger if determined appropriate by the planning and placement team, and updated annually thereafter. The IEP shall contain appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the students in reaching those goals.
11. Beginning not later than one year before the student reaches the age of majority (18), a statement informing the student of his/her rights under IDEA.
12. For a child identified as deaf or hearing impaired, the IEP which includes a language and communications plan shall address:
  - (i) the child's primary language or mode of communication;
  - (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
  - (iii) educational options available to the child;
  - (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
  - (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
  - (vi) Assistive devices and services for the child; and
  - (vii) Communication and physical environment accommodations for the child.

The school district shall use a standardized individualized education program form that shall be subject to the approval of the State Board of Education.

## **Instruction**

### **Individualized Education Program/Special Education Program (continued)**

#### **Timelines**

Special education and related services shall be provided as soon as possible after the planning and placement team meeting held to review, revise or develop the child's individualized education program, but in any event not later than the following timelines.

In the case of a referral made during the academic year, the timelines shall be as follows:

1. The individualized education program shall be implemented within forty-five school days of referral or notice, exclusive of the time required to obtain parental consent.
2. In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty school days of referral or notice, exclusive of the time required to obtain parental/guardian consent. If difficulty of placement is such as to occasion a delay beyond this period, the Board of Education shall submit to the State Board of Education written documentation of its efforts to obtain placement in a timely manner.
3. Where necessary, parental/guardian consent shall be given within ten school days of the date of notice, or, where appropriate, of the date of the Planning and Placement Team meeting in which the parents/guardians participated.
4. A full copy of the individualized education program shall be sent to the parents within five school days after the Planning and Placement Team meeting to develop, review or revise the individualized education program.

In the case of a referral made in between school years, the effective date of the referral may be deemed to be the first school day of the next school year.

#### **Placement**

Educational placements are made in accordance with the requirements set forth in the IEP of each child requiring special education and related services. The least restrictive environment is considered for each student based on the IEP. In selecting the least restrictive environment, consideration is given to any potentially harmful effect on the child or on the quality of services the child needs. To the maximum extent appropriate, students with disabilities, including children in public or private institutions or other care facilities, are educated with their peers in regular education environments.

## **Instruction**

### **Individualized Education Program/Special Education Program (continued)**

#### **Placement (continued)**

Special classes, separate schooling, or other removal of disabled children from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Each child with disabilities shall participate to the maximum extent appropriate with non-disabled age appropriate peers in non-academic and extra-curricular services and activities, including meals and recess periods.

Interpreting evaluation data and in making placement decision, the PPT shall:

1. Draw upon information from a variety of sources, including attitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Ensure information obtained from all of these sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons including person's knowledge about the child, the meaning of the evaluation data, and the placement options; and
4. Make the placement decision in conformity with the least restrictive environment considerations.

When the PPT meeting makes the determination of which placement is most appropriate to deliver education in the least restrictive environment, a continuum of services shall be used to guide the placement selection. This is done at no cost to the parents/guardians of the child. This continuum shall consider programs ranging from regular education programs with students who are not disabled to special education programs with students who are the most severely disabled. The PPT shall also consider homebound placements, hospitalized instruction, diagnostic placements and private school placements where such placements are considered necessary by the PPT in order for a student to receive a free appropriate public education.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

## **Instruction**

### **Individualized Education Program/Special Education Program (continued)**

#### **Notice**

The PPT shall notify parents/guardians of students requiring special education and related services five days before proposing to, or refusing to, initiate or change the child's identification, evaluation or placement. Written notice shall be sent to the parents no later than five days after date of referral. In addition, written parental/guardian consent shall be obtained prior to pre-placement evaluation, initial placement or private placement of a child who requires or may require special education and related services. If the student is considered an emancipated minor or eighteen years of age or older, such notification shall be to the student.

The notice shall include the following information:

1. The reason of the notice. In the event of a referral, the notice shall include the source and date of the referral;
2. A description of the general evaluation procedure to be used;
3. A statement of parental/guardian rights to review and obtain copies of all records used as a basis for the referral, to be fully informed of all evaluation results, and to obtain an independent educational evaluation as part of the evaluation process; and
4. A full explanation of all due process procedures available to parents/guardians, upon initial referral or parental/guardian request for evaluation, upon the first filing of a due process complaint or upon parental request.

Where parental/guardian consent is required, notice shall include the above requirements and the following information:

1. A statement of parental/guardian rights to refuse consent and that, if consent is given, it may be revoked at any time;
2. A statement that parental/guardian failure to respond, within ten school days from the date of the notice, shall be construed as refusal of consent; and
3. A statement that, if contested, the child's current educational placement will not change until due process procedures have been completed.

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child identified as requiring special education.

## Instruction

### Individualized Education Program/Special Education Program

Legal Reference: Connecticut General Statutes  
10-76a Definitions (as amended by PA 06-18)  
10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277, PA 19-49 and PA 21-46, PA 21-144, and PA 23-137)  
10-76g State aid for special education.  
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)  
10-76h Special education hearing and review procedure.  
10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)  
PA 06-18 An Act Concerning Special Education  
State Board of Education Regulations  
34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.  
300.14 Special education definitions.  
300.340-349 Individualized education programs.  
300.503 Independent educational assessment.  
300.533 Placement procedures.  
300.550-556 Least restrictive environment.  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004  
PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education  
*Rowley v. Board of Education*, 485 U.S.-176 (1982)  
*Andrew F. v. Douglas County School District RE-1*, 15-827 U.S. (2017)  
*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)  
*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)  
*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)  
**PA 23-137 An Act Concerning Resources and Support for Persons with an Intellectual or Developmental Disability.**

Policy adopted:	January 5, 2006	NEW FAIRFIELD PUBLIC SCHOOLS
Policy revised:	December 6, 2012	New Fairfield, Connecticut
Policy revised:	October 4, 2018	
Policy revised:	December 5, 2019	
Policy revised:	June 17, 2021	
Policy revised:	November 4, 2021	
Policy revised:		

*Existing policy updated to reflect P.A. 23-167.*

## **Construction**

### **Extensions/Renovations or Replacements**

### **Indoor Air Quality**

The Board of Education recognizes that the maintenance of acceptable temperature, relative humidity and adequate fresh air ventilation in school buildings is a primary objective in the creation and maintenance of an optimal learning environment.

### **Indoor Air Quality in Existing Facilities**

The Superintendent or his/her designee shall implement an indoor air quality program that provides for ongoing maintenance and facility reviews, in accordance with all applicable state statutes, necessary for the maintenance and improvement of the indoor air quality of all District facilities.

The District shall report biennially, in a manner as required, to the Commissioner of Administrative Services on the condition of its facilities, its long range facilities program, and on its air quality program, and green cleaning program. **The Board must utilize standard reporting forms to conduct and report on both IAQ and HVAC inspections and must provide The Department of Administrative Services (DAS) the completed forms for each school. The forms and/or reports must be made available at a regularly scheduled Board of Education meeting and on the Board of Education/individual school website.**

~~Prior to January 1, 2008 and every three (3) years thereafter,~~ Starting on January 1, 2025 and annually thereafter, for all ~~for any~~ District facilities ~~that has been constructed, extended, renovated or replaced on or after January 1, 2003,~~ the Board of Education shall provide for a uniform inspection and evaluation program of indoor air quality ~~within such buildings, such as complying with~~ the Environmental Protection Agency's **Tools for Indoor Air Quality for Schools Program.**

The results of the evaluation shall be made available for public inspection at a regularly scheduled Board of Education Meeting and also posted on the District's website.

The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following:

1. the heating, ventilating, and air conditioning (HVAC) systems;
2. radon levels in the air and water;
3. potential for exposure to microbiological airborne particles, including fungi, mold, and bacteria;
4. chemical compounds of concern to indoor air quality, including volatile organic compounds;
5. pest infestation, including insects and rodents;
6. pesticide usage;

## **Construction**

### **Extensions/Renovations or Replacements**

### **Indoor Air Quality**

#### **Indoor Air Quality in Existing Facilities** (continued)

7. the presence and plans for removal of certain hazardous substances identified under federal law;
8. ventilation systems (i.e. exhaust fans);
9. plumbing, including water distribution systems, drainage systems, and fixtures;
10. moisture incursion (leaks);
11. the facilities' overall cleanliness;
12. building structural elements, including roofing, basements, and slabs;
13. the use of space, particularly in areas designed to be unoccupied; and
14. the provision of indoor air quality maintenance training for building staff.

Heating, ventilation, and air conditioning systems shall be maintained in accordance with the prevailing maintenance systems, such as Standard 62. The Board direct the Superintendent or his/her designee to ensure that such systems shall be operated continuously during the hours in which students or school personnel occupy school facilities except during periods of scheduled maintenance or emergency repairs or at other times when it can be demonstrated that the air supply system meets the Standards 62 requirements for air changes per hour.

Records shall be maintained on the maintenance of the District's heating, ventilation, and air conditioning systems for a period of not less than five years. Such records shall be available to the public upon request.

Prior to January 1, ~~2024~~ 2025, and every five years thereafter, the local or regional Board of Education shall provide for a uniform inspection and evaluation of the heating, ventilation and air conditioning system within each school building under its jurisdiction. Such inspection and evaluation shall be performed by a certified testing, adjusting and balancing technician, an industrial hygienist certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing, or a mechanical engineer. Such heating, ventilation and air conditioning systems inspection and evaluation shall include, but need not be limited to:

1. Testing for maximum filter efficiency
2. Physical measurements of outside air delivery rate
3. Verification of the appropriate condition and operation of ventilation components
4. Measurement of air distribution through all system inlets and outlets
5. Verification of unit operation and that required maintenance has been performed in accordance with the most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers

## **Construction**

### **Extensions/Renovations or Replacements**

#### **Indoor Air Quality**

##### **Indoor Air Quality in Existing Facilities** (continued)

6. Verification of control sequences
7. Verification of carbon dioxide sensors and acceptable carbon dioxide concentrations indoors, and
8. Collection of field data for the installation of mechanical ventilation if none exist.

The ventilation systems inspection and evaluation shall identify to what extent each school's current ventilation system components, including any existing central or non-central mechanical ventilation system, are operating in such a manner as to provide appropriate ventilation to the school building in accordance with most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. The inspection and evaluation shall result in a written report, and such report shall include any corrective actions necessary to be performed to the mechanical ventilation system or the heating, ventilation and air conditioning infrastructure, including installation of filters meeting the most optimal level of filtration available for a given heating, ventilation and air conditioning system, installation of carbon dioxide sensors and additional maintenance, repairs, upgrades or replacement. Any such corrective actions shall be performed, where appropriate, by a contractor, who is licensed in accordance with chapter 393. The local or regional Board of Education conducting an inspection and evaluations pursuant to this subsection shall make available for public inspection the results of such inspection and evaluation at a regularly scheduled meeting of such Board and on the Internet website of such Board and on the Internet website, if any, of each individual school. The local or regional Board of Education shall not be required to provide for a uniform inspection and evaluation under this subdivision for any school building that will cease to be used as a school building within the three years from when such inspection and evaluation is to be performed.

##### **Indoor Air Quality in New or Renovated Facilities**

In order to secure appropriate indoor air quality in District schools, the Board of Education believes that when new facilities are constructed and when existing facilities are renovated, the following requirements shall be specified to the architect or design professional responsible for the construction project:

1. Adhere to the requirements defining minimum air circulation contained in the State Building Code which apply only when constructing new space.
2. The building/space meets or exceeds the ASHRAE (American Society of Heating, Ventilating and Air Conditioning Engineers) 62-1999 standard, "Ventilation for Acceptable Indoor Air Quality," which considers chemical, physical and biological contaminants that can affect air quality as referenced by the State Code adopted pursuant to C.G.S. 29-252.

## **Construction**

### **Extensions/Renovations or Replacements**

#### **Indoor Air Quality**

##### **Indoor Air Quality in New or Renovated Facilities** (continued)

3. Utilizing the ASHRAE 62-1999 standard, achieve a minimum ventilation rate per occupant of 15 cubic feet per minute (cfm) of outdoor air.
4. Design and placement of air handling equipment needs to be done in a manner where it is accessible to inspect and maintain the equipment; therefore, mechanical rooms are desirable versus exposed rooftop units or units hung above suspended ceilings.
5. With increased air flow requirements, attention must be given to the potential of air velocity noise within ductwork.
6. Fresh air intakes must be located, whenever possible, away from all types of vents and exhausts on roofs in addition to any ground level vegetation and any accumulation of water.
7. Air intakes and ventilation windows must be sufficiently distant from bus loops and loading docks.
8. Radon mitigation systems to provide a vapor barrier and protection from under-slab humidity should be a part of new school construction.
9. Attention must be given to the selection of all building materials and finished products which may emit odorous and irritating volatile organic vapors degrading indoor air quality.
10. Reduce the potential of moisture intrusion through appropriately designed pitched roofs wherever possible.
11. Consider the economic feasibility of achieving dehumidification through air conditioning.
12. Install temperature control systems along with energy management systems which monitor temperature and other factors helpful in monitoring and diagnosing heating, ventilating and air conditioning (HVAC) systems.
13. When renovating an occupied building provide for the mechanical control of airborne pollutants associated with the construction process.

## **Construction**

### **Extensions/Renovations or Replacements**

#### **Indoor Air Quality** (continued)

Legal Reference: Connecticut General Statutes  
10-220(d) Duties of boards of education.  
10-231(f) Indoor air quality committees  
10-282(19) Definitions  
10-283 Applications for grants for school building projects  
10-286 (a)(9) Computation of school building project grants  
10-291 Approval of plans and site. Expense limit.  
10-292 Review of final plans by Commissioner of Administrative Services. Exceptions; role of local officials.  
P.A. 09-81 An Act Concerning Cleaning Products in Schools.  
New Fairfield Code of Ordinances  
Section 8: Building Committees, Sec. 2-171  
10-231g Green Cleaning Program at schools: Definitions, Implementation, Notice.  
P.A. 22-118 An Act Concerning the State Budget for the Biennium Ending June 30, 2023.  
**PA 23-167 An Act Concerning Transparency in Education**

Policy adopted: May 1, 2003  
Policy revised: November 6, 2003  
Policy reviewed: June 21, 2007  
Policy revised: December 4, 2008  
Policy revised: December 17, 2009  
Policy revised: June 16, 2016  
Policy revised: June 6, 2019  
Policy revised: December 1, 2022  
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

*Existing policy updated to reflect P.A. 23-150.*

## **Instruction**

### **Distance Education**

#### **Virtual/Online Courses**

The Board of Education believes that distance education through virtual/online courses is an opportunity for enrichment for NFHS students. Online learning has a distinct advantage in that it does not require students to be physically present in the same location as the instructor or other students. Distance education courses are part of New Fairfield's educational program delivery system to increase accessibility and flexibility in the delivery of instruction. In addition to regular classroom-based instruction, students in the district may earn credit through distance education provided by virtual/online courses.

Dual instruction is allowed as part of remote learning when it is needed to implement a student's IEP or 504 plan or as part of an intradistrict or interdistrict cooperative learning program for students on school grounds during a regular school day.

Any cooperative learning program that provides dual instruction as specified above must be implemented following a MOU between the Board of Education and the applicable bargaining unit.

Virtual schools are educational organizations that offer courses at various grade levels through Internet or Web-based methods. Virtual schools allow students to take courses not currently offered at NFHS and, as such, enrich existing curriculum.

Online courses offered via organizations such as Virtual High School shall not result in a reduction of the current number of electives offered at New Fairfield High School, nor shall it result in the reduction in force of any existing staff.

In order to earn credits in meeting the requirements for high school graduation through the successful completion of on-line coursework, the Board, in compliance with C.G.S. 10-221a (17) shall ensure, at a minimum, that (a) the workload required by the on-line course is equivalent to that of a similar course taught in a traditional District classroom setting, (b) the content is rigorous and aligned with curriculum guidelines approved by the State Board of Education, where appropriate, (c) the course engages students and has interactive components, which may include, but are not limited to, required interactions between students and their teachers, participation in on-line demonstrations, discussion boards or virtual labs, (d) the program of instruction for such on-line coursework is planned, ongoing and systematic, and (e) the courses are (1) taught by teachers who are certified in the state or another state and have received training on teaching in an on-line environment, or (2) offered by institutions of higher education that are accredited by the Department of Higher Education or regionally accredited; or (3) toward meeting the high school graduation requirement upon the successful completion of the board examination series permitting students in grades 9 through 12 to substitute achievement of a passing score on a series of examinations approved by the State Board of Education for meeting credit requirements for graduation.

## **Instruction**

### **Distance Education**

#### **Virtual/Online Courses (continued)**

If the drop-out rate of the District is determined to have been 8% or higher in the previous school year, the Board of Education shall establish an on-line credit recovery program for those students who are identified as being in danger of failing to graduate. These students, once identified by certified personnel, must be allowed to complete on-line District-approved coursework toward meeting high school graduation requirements. Each high school within the District shall designate, from among existing staff, an online learning coordinator to administer and coordinate the online credit recovery program.

New Fairfield High School students may earn a maximum of six (6) units of academic credits by completing online courses: three (3) through Virtual High School and an additional three (3) with prior approval of the high school principal for other online courses. (NOTE: In light of new legislation, District may need to reconsider “cap” on number of courses.)

One or more of the following conditions must exist for students to register for an online or virtual course:

1. Only students registered at New Fairfield High School may enroll in an online or virtual course for credit.
2. The course or its equivalent is not offered at New Fairfield High School. (In the event of an unavoidable scheduling conflict that would have a negative impact on a student’s academic sequence or ability to complete proscribed graduation requirements, the administration may approve the taking of an online course as an equivalent substitute for a course offered at NFHS.)
3. The course could serve as a supplement to extended homebound instruction.
4. The district has expelled the student from the regular school setting, but educational services are to be continued.
5. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment for a portion of his/her academic program.

As determined by Board/school policy, students taking a virtual course will do the following:

- Adhere to the District code of conduct to include rules of behavior and consequences for violations.
- Adhere to attendance requirements of the District.
- Adhere to the District's Internet policy.
- Adhere to New Fairfield High School's policy on withdrawing from a course.

The school must receive an official record of the final grade before awarding credit toward graduation.

The site-coordinator is responsible for monitoring student progress in a virtual course.

## **Instruction**

### **Distance Education** (continued)

(cf. 6141.321 - Computers: Acceptable Use of the Internet)

(cf. 6141.1 - Independent Study)

(cf. 6146 - Graduation Requirements)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies and procedures.

10-221a High school graduation requirements. (as amended by P.A. 00-124, An Act Concerning High School Diplomas and Veterans of World War II, P.A. 00-156, An Act Requiring A Civics Course for High School Graduation and P.A. 08-138, An Act Concerning High School Credit for Private World Language Courses, Other Subject Areas) and P.A. 10-111, An Act Concerning Education Reform in Connecticut.

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

**P.A. 23-150 An Act Concerning Schools, Section 12**

Policy adopted: January 5, 2006  
Policy revised: December 4, 2008  
Policy revised: November 4, 2010  
Policy revised: November 3, 2022  
Policy revised:

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



# New Entry Age for Kindergarten: Considerations for Connecticut Schools

October 23, 2023

CONNECTICUT STATE DEPARTMENT OF EDUCATION

The Connecticut State Department of Education (CSDE) has developed the following considerations to support schools in implementing Public Act (PA) 23-208. The considerations were developed with a focus on equity, and they have been organized into sections to support readability and understanding.

## LEGISLATION

In accordance with Section 1 of PA 23-208, which amends Section 10-15c of the Connecticut General Statutes effective July 1, 2024, public schools shall:

*...be open to all children five years of age and over who reach age five on or before the first day of September of any school year, and each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the activities, programs and courses of study offered in such public schools, at such time as the child becomes eligible to participate in such activities, programs and courses of study, without discrimination on account of race, as defined in section 46a-51, color, sex, gender identity or expression, religion, national origin, sexual orientation or disability; provided a child who has not reached the age of five on or before the first day of September of the school year may be admitted (1) upon a written request by the parent or guardian of such child to the principal of the school in which such child would be enrolled, and (2) following an assessment of such child, conducted by such principal and an appropriate certified staff member of the school, to ensure that admitting such child is developmentally appropriate.*

In PA 23-208, §1(a), the legislature established September 1 as the new cutoff birthdate for children seeking admission to kindergarten beginning in the 2024-2025 school year, and established an assessment process that constitutes the **only** exception to the September 1 cutoff date. The PA 23-208, §1(a) assessment process for determining the developmental appropriateness of an underage child seeking early admission to kindergarten is **not** discretionary and **must** be implemented if requested in writing by a child's parent or guardian. The CSDE recognizes that assessing a child for the purposes of determining the developmental appropriateness of early admission to kindergarten constitutes a challenge for children, families, and schools. This document alerts schools to some of those challenges, while also providing general guidance.

## ASSESSMENT

As noted, PA 23-208 requires schools to assess a child who does not meet the age requirement to ensure that admitting the child is developmentally appropriate. The requirement to assess is not discretionary and is initiated when a parent or guardian submits a written request for their child to be enrolled. The following considerations are designed to support schools in making decisions regarding the developmentally appropriate assessment process:

*continued*

- Early learning and growth is an ongoing process, and no one set of skills at any given time can determine readiness for kindergarten. The [CT Early Learning and Developmental Standards \(ELDS\)](#) can assist a principal and appropriate certified staff to identify what children from birth to age five should know and be able to do. The ELDS may also assist schools in determining the extent to which their kindergarten program fits a child’s developmental level upon entry into kindergarten.
- Schools have discretion in determining whether “an assessment” will be a stand-alone tool, or a holistic measure of a child’s developmental level. The CSDE will not identify an assessment tool for use to determine if admitting a child to kindergarten is developmentally appropriate.
- Any assessment tool used as part of the assessment process should yield results that are valid and reliable for the intended uses.
- Parents and guardians know their children well. Obtaining and including information from the parent or guardian, whether formally or informally during the assessment process may provide schools with a deeper understanding of a child’s developmental level and will add validity to the inferences a school is able to draw from the assessment process.
- A child’s preschool teacher/early care provider may also provide valuable insights regarding a child’s development.
- A holistic approach to assessing a child’s developmental level should assess a variety of developmental domains (e.g., cognitive, social-emotional, physical development and health, etc.).
- An assessment, or method by which a child is assessed, should be culturally and linguistically appropriate (e.g., questions on the assessment avoid using language or context that is familiar only to one culture).
- An established assessment calendar that includes specific, yet multiple times for receiving written parental requests for enrollment will ensure school staff have the most current assessment of a child’s developmental level. Keep in mind, however, that developmental assessments administered too early may not provide a fair assessment of a child’s developmental level at the start of the school year. Assessments administered at inconsistent times across children may provide an unfair amount of maturation time to children who are assessed closer to the start of school.
- The assessment process employed must be meaningful to achieve the statutory outcome and should be administered universally across all schools in a district. The clear intent of PA 23-208, §1(a) is that such assessments be efficacious.

### **CHILDREN WITH DISABILITIES**

All parents and guardians, including those of children with disabilities, may request early entry to kindergarten. The following considerations are designed to support schools in making decisions regarding this process with special considerations for children with disabilities:

- Children with disabilities are entitled access to the same process utilized for early entry to kindergarten that is available to all children.
- For children with Individualized Education Programs (IEPs), the assessment process must be individualized and in alignment with the documented IEP accommodations/modifications in Section 5 (Supplementary Aids and Services) and Section 11 (District and State Testing).
- For children with Section 504 plans, the assessment process must be individualized and in alignment with the accommodations documented in the child’s plan.

### FAMILY ENGAGEMENT

Families have concerns about the short and long-term academic, financial, social and emotional implications of sending their child to kindergarten. There are additional considerations for families attempting to decide whether to request their child be enrolled in kindergarten if they do not meet the new age requirement. The following considerations are intended to help schools support their families in this decision-making process:

- Sharing information in multiple languages with families about a school's kindergarten program will better assist schools and families engage in a discussion about a child's developmental ability in relation to the goals of the program.
- Families will be increasingly engaged with and have a deeper understanding of the kindergarten entry process when communication occurs in a variety of formats and in a family's dominant language.
- District relationships with families may be strengthened if families are provided with information about community partners who can offer alternatives to kindergarten for children who do not meet the age requirement for kindergarten entry in 2024-25.

Districts are encouraged to work in partnership with early care and education providers and community organizations to engage with families and communicate the new age requirement.

### STAFFING

Kindergarten enrollment numbers will be impacted by PA 23-208. It will be difficult to determine how many parents or guardians will request enrollment of their child who does not meet the age requirement, and schools may experience enrollment numbers in kindergarten that are less than what was originally predicted for the 2024-25 school year. The following considerations are designed to help schools in making staffing decisions in response to unpredictable levels of kindergarten enrollment:

- Flexible staffing models that allow districts to assign and reassign teachers from one grade to another (e.g., kindergarten to preschool) may support how districts respond to any enrollment fluctuations influenced by PA 23-208.
  - > Utilization of the Emergency Generalist application process will alleviate some barriers to certification, provided a teacher has a Provisional or Professional certificate.
  - > Utilization of a Durational Shortage Area Permit (DSAP) will alleviate some barriers to certification, particularly for certified staff with the 113 endorsement (Integrated Early Childhood/Elementary Education N-3 and Special Education N-K). Teachers who maintain the 113 endorsement typically have the requisite college coursework to make them eligible for a DSAP.
  - > It is already possible for teachers with a 165 endorsement (Comprehensive Special Education, K-12) to teach special education preschool.

The CSDE Talent Office stands ready to support districts in navigating any staffing challenges that may arise during the implementation process.

The CSDE, in partnership with the Office of Early Childhood, understands the level of impact the new entry age requirement for kindergarten is having on families, districts, and early care and education providers. We remain committed to supporting districts and families throughout this transition.