Policy Committee Meeting

Thursday, April 28, 2022 5:00 PM
Virtual Meeting, Please click the link below to join the webinar: https://us06web.zoom.us/j/82124911383 Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 646 558 8656 Webinar ID: 821 2491 1383 , 601 Matianuck Avenue, Windsor, CT 06095

1. **Call to Order, Pledge to the Flag, Moment of Silence**
2. **Audience to Visitors**
3. **Revised P/AR 5113 Student Attendance and Truancy**
4. **Revised P/AR 5114 Student Discipline**
5. **Revised P/AR 5125 Confidentiality and Access to Education Records**
6. **Revised P 5131.6 Drug and Alcohol Use by Students**
7. **Revised P 5131.62 Windsor Athletic Department Use of Tobacco, Alcohol, Drugs and Performance Enhancing Substances**
8. **Revised P/AR 5131.911 Bullying Prevention and Intervention Policy**
9. **Revised AR 5141.3 Health Assessment**
10. **Revised AR 5141.31 Administrative Regulations Regarding Immunizations**
11. **Revised P 5145.1 Student Privacy**
12. **Revised P/AR 5145.4 Non-Discrimination (Students)**
13. **Revised P/AR 5145.5 Title IX of the Education Amendments of 1972- Prohibition of Sex Discrimination and Sexual Harassment (Students)**
14. **Adjournment**

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation

P/AR 5113 Student Attendance and Truancy

Fall 2021 (Complete Re-Write)

Attendance, Truancy and Chronic Absenteeism (New Title)
We have revised this policy and the accompanying administrative regulations to conform with Section 19 of Public Act No. 21-46, which requires local and regional boards of education to allow any student enrolled in grades kindergarten through twelve to take two non-consecutive days each school year as mental health wellness days. Section 18 of the Act, as amended by Section 393 of June Special Session, Public Act No 21-2, directs the State Board of Education ("SBOE") to revise its definitions of "excused absence" and "unexcused absence" with respect to remote learning. We have revised the definitions in the regulations to reflect statutory requirements for those definitions while we await the SBOE's revisions. We further revised the regulations to conform with Section 10 of Public Act No. 21-199, which amends state law to raise, from seventeen to eighteen, the age when a student may withdraw from high school, beginning in the school year commencing July 1, 2023. After July 1, 2023, a parent or person having control of a child who is seventeen years of age may withdraw the child from school if the child is enrolled in an adult education program if the parent personally appears at the district office and signs an adult education withdrawal and enrollment form. We have also revised the sample notification regarding student attendance and model forms for school district use beginning with the 2023-2024 school year in light of the new requirements.

Students

STUDENT ATTENDANCE AND TRUANCY

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the "Board"), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, Definitions of Excused and Unexcused Absences (June 27, 2012)

Connecticut State Department of Education, Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention (April 2013)

Connecticut State Department of Education, Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts (April 2017)

Connecticut State Department of Education Memorandum, Youth Service Bureau Referral for Truancy and Defiance of School Rules (February 22, 2018)

Connecticut State Department of Education, Youth Service Bureau Referral Guide (February 2018)

Policy Adopted: March 18, 2008

Policy Revised: September 20, 2016

Policy Revised: March 17, 2015

Policy Revised: June 18, 2013

Policy Revised: January 17, 2018

Policy Revised: December 18, 2018

Windsor Public Schools

Windsor, CT

AR 5113

Students

STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

I. Attendance and Truancy

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.

2. "Disciplinary absence" - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.

3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10)

days of the student's return to school, or the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes, and meets the following criteria:

a. Any absence before the student's tenth absence, is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.

b. For the student's tenth absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this regulation, considered excused only for the following reasons:

i. student illness (verified by an appropriately licensed medical professional);

ii. religious holidays;

iii. mandated court appearances (documentation required);

iv. funeral or death in the family, or other emergency beyond the control of the student's family;

v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;

vi. lack of transportation that is normally provided by a district other than the one the student attends.

c. A student, age five to eighteen, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.

5. "In Attendance" - any day during which a student is not considered to be absent from his/her assigned school, or from an activity sponsored by the school (e.g. field trip), for at least one half of the school day.

6. "Student" - a student enrolled in the Windsor Public Schools (the "District").

7. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, unless the absence an excused absence as defined above or the absence is a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

"Written Documentation" - includes a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate, that explains the nature of and the reason for the absence as well as the length of the absence.

C. Truancy Exceptions:

1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.

2. A student seventeen (17) years of age shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

D. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section C.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.

2. If a student who has voluntarily withdrawn from school (in accordance with Section C.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

E. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one

half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.

2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."

3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate by the administration so as to ensure that the student is able to successfully return to the regular classroom setting.

F. Procedures for students in grades K-8*

1. Notification

a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. §10-184 to assure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.

b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal [or his/her designee] shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. [Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.] Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

G. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than ten (10) days after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.

c. If the Commissioner of Education determines that any school under the jurisdiction of Board has a disproportionately high rate of truancy, the district shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen. Stat. § 10-198e.

d. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team [or other appropriate school based team] to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

e. Where the documented implementation of the procedures specified in subsections (a) through (d) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or his/her designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

H. Attendance Records

All attendance records developed by the Board shall include the individual student's state-assigned student identifier (SASID).

II. Chronic Absenteeism

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;

2. "Absence" - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations;

3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of children under the jurisdiction of the Board for such school year; and

4. "School chronic absenteeism rate" - 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.

B. Establishment of Attendance Review Teams

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Board has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, and chronically absent children and their parents or guardians.

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.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Board and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. Reports to the State Regarding Truancy Data:

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, Definitions of Excused and Unexcused Absences (June 27, 2012)

Connecticut State Department of Education, Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention (April 2013)

Connecticut State Department of Education, Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts (April 2017)

Connecticut State Department of Education Memorandum, Youth Service Bureau Referral for Truancy and Defiance of School Rules (February 22, 2018)

Connecticut State Department of Education, Youth Service Bureau Referral Guide (February 2018)

Regulation Approved: December 18, 2018

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

Series 5000
Students

STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the "Board"), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Public Act No. 21-46

June Special Session, Public Act No. 21-2

Public Act No. 21-199

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

© 2021 Shipman & Goodwin LLP. All rights reserved.

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

ADOPTED_____
REVISED:_____

7/29/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

ADMINISTRATIVE REGULATIONS REGARDING ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

I. Attendance and Truancy

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" at the student's assigned school, or on a school-sponsored activity (e.g. field trip), for at least one half of the school day.

2. "Disciplinary absence" - any absence as a result of school or District disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.

3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student's return to school, or if the student has been excluded from school in accordance with Conn. Gen. Stat. § 10-210 (regarding communicable diseases), and the following criteria are met:

   a. Any absence before the student's tenth (10th) absence is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.

   b. For the student's tenth (10th) absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this

© 2021 Shipman & Goodwin LLP. All rights reserved.

regulation, considered excused only for the following reasons:

i. student illness (verified by an appropriately licensed medical professional);

ii. religious holidays;

iii. mandated court appearances (documentation required);

iv. funeral or death in the family, or other emergency beyond the control of the student's family;

v. extraordinary educational opportunities pre-approved by the District administrators and in accordance with Connecticut State Department of Education guidance and this regulation; or

vi. lack of transportation that is normally provided by a District other than the one the student attends.

c. A student, age five (5) to eighteen (18), inclusive, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to the student's return to school.

"Excused absence" excludes a student's engagement in (1) virtual classes, (2) virtual meetings, (3) activities on time-logged electronic systems, and (4) the completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning.

© 2021 Shipman & Goodwin LLP. All rights reserved.

5. "In Attendance" - any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.

6. "Mental health wellness day" - a school day during which a student attends to such student's emotional and psychological well-being in lieu of attending school.

7. "Remote learning" means instruction by means of one or more Internet-based software platforms as part of a remote learning model as may be authorized by the [_____] Board of Education (the "Board") in accordance with applicable law.

8. "Student" - a student enrolled in the _____ Public Schools (the "District").

9. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.

10. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

"Unexcused absence" excludes a student's engagement in (1) virtual classes, (2) virtual meetings, (3) activities on time-logged electronic systems, and (4) the completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning.

The determination of whether an absence is excused will be made by the building principal or designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or designee, whose decision shall be final.

© 2021 Shipman & Goodwin LLP. All rights reserved.

B. Mental Health Wellness Days

Any student enrolled in grades kindergarten to twelve, inclusive, shall be permitted to take two mental health wellness days during the school year, during which day such student shall not be required to attend school. No student shall take mental health wellness days during consecutive school days.

C. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.

2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.

3. For the student's tenth (10th) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:

   a. student illness:

      i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or

      ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.

   b. religious holidays: none.

   c. mandated court appearances:

      i. a police summons;

      ii. a subpoena;

© 2021 Shipman & Goodwin LLP. All rights reserved.

iii. a notice to appear;

iv. a signed note from a court official; or

v. any other official, written documentation of the legal requirement to appear in court.

d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.

e. extraordinary educational opportunity pre-approved by the District administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.

f. lack of transportation that is normally provided by a District other than the one the student attends: none.

4. Neither e-mail nor text message shall serve to satisfy the requirement of written documentation. In rare and extraordinary circumstances, a building administrator may, in the administrator's own discretion, accept the delivery of written documentation through a scanned copy sent by e-mail.

5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.

6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at the principal's own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

D. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:

© 2021 Shipman & Goodwin LLP. All rights reserved.

a. be educational in nature and must have a learning objective related to the student's course work or plan of study;

b. be an opportunity not ordinarily available to the student;

c. be grade and developmentally appropriate; and

d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.

2. Family vacations do not qualify as extraordinary educational opportunities.

3. All requests for approval of extraordinary educational opportunities must:

a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;

b. contain the signatures of both the parent/guardian and the student;

c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and

d. include additional documentation, where available, about the opportunity.

4. The building principal shall provide a response in writing and include the following:

a. either approval or denial of the request;

b. brief reason for any denial;

c. any requirements placed upon the student as a condition of approval;

d. the specific days approved as excused absences for the opportunity; and

© 2021 Shipman & Goodwin LLP. All rights reserved.

e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.

5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.

6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.

7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

E. Truancy Exceptions:

1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the school District office and exercised the option of not sending the child to school at five (5) or six (6) years of age.

2. Until June 30, 2023, a student seventeen (17) years of age shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school District office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

3. Beginning July 1, 2023, a student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the school District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided such student with information on the educational options available in the school system and community.

© 2021 Shipman & Goodwin LLP. All rights reserved.

4. Beginning July 1, 2023, a student seventeen (17) years of age shall not be considered truant if the parent or person having control over such child withdraws such child from school and enrolls such child in an adult education program pursuant to Conn. Gen. Stat. § 10-69. Such parent or person shall personally appear at the school District office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that the District has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

5. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

F. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section E.2 or E.4, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.

2. If a student who has voluntarily withdrawn from school (in accordance with Section E.2 or E.4, above) seeks readmission within ten (10) school days of the student's withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

G. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless the student receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.

2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to

© 2021 Shipman & Goodwin LLP. All rights reserved.

students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."

3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

H. Procedures for students in grades K-8*

1. Notification

a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.

b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal **[or designee]** shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal,

© 2021 Shipman & Goodwin LLP. All rights reserved.

which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

[*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]

I. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

a. When a student is truant, the building principal or designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The District shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non-responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

b. When a student is truant, the Superintendent or designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The District shall document efforts to contact and include families and to provide early intervention in truancy matters.

c. If the Commissioner of Education determines that any school under the jurisdiction of the Board has a disproportionately high rate of truancy, the District shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen. Stat. § 10-198e.

d. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is

© 2021 Shipman & Goodwin LLP. All rights reserved.

experiencing attendance problems should be referred to a PPT meeting for program review.

e. Where the documented implementation of the procedures specified in subsections (a) through (d) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

J. Attendance Records

All attendance records developed by the Board shall include the individual student's state-assigned student identifier (SASID).

II. Chronic Absenteeism

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year.

2. "Absence" - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to Conn. Gen. Stat. § 10-198b and these administrative regulations.

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

4. "School chronic absenteeism rate" - the total number of chronically absent students for a school in the previous school year divided by the total number of students enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the District.

© 2021 Shipman & Goodwin LLP. All rights reserved.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Board has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.9, and chronically absent students and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent students, discussing school interventions and community referrals for such truants and chronically absent students 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.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Board and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. Reports to the State Regarding Truancy Data

Annually, the Board shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the District as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the Board to reduce truancy in the District.

© 2021 Shipman & Goodwin LLP. All rights reserved.

IV. Evolving State Department of Education and State Board of Education Guidance

The Board will comply with any and all guidance issued by the State Department of Education and/or State Board of Education regarding attendance requirements, including during periods of remote learning.

Legal References:

Public Act No. 21-46

June Special Session, Public Act No. 21-2

Public Act No. 21-199

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

© 2021 Shipman & Goodwin LLP. All rights reserved.

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

APPROVED:_____
REVISED:_____

7/29/21

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE*

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that "each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. For the school years commencing July 1, 2011, to July 2022, inclusive, the parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child's withdrawal from school. For the school year commencing July 1, 2023, and each school year thereafter, a student who is eighteen years of age or older may withdraw from school. Such parent, person or student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, person or student with information on the educational options available in the school system and community. The parent or person having control of a child seventeen years of age may withdraw such child from school and enroll such child in an adult education program pursuant to [Connecticut General Statutes Section] 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system."

In order to assist parents and other persons in meeting this responsibility, the _____ Board of Education (the "Board") monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such

notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

_____

_____

_____

****

Student's Name: _____

Address: _____

_____

_____

School/grade: _____/_____

Parent/Guardian's Daytime Telephone Number*: _____

Parent/Guardian's Daytime Telephone Number*: _____

Daytime Telephone Number* of
Other Person Having Control
of Student: _____Relationship to Student: _____

*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. _____

_____

Signature: _____

Date: _____

[*Note: State law mandates notification only with regard to students in grades K-8. Boards of Education are free, however, to extend the notification to parents of students at all grade levels.]

7/29/21

UNEXCUSED ABSENCES
DOCUMENTATION LOG

_____
Date

_____
School

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____ Written Notice mailed_____		
				Attempt #1 _____ Attempt #2 _____ Written Notice mailed_____		
				Attempt #1 _____ Attempt #2 _____ Written Notice mailed_____		
				Attempt #1 _____ Attempt #2 _____ Written Notice mailed_____		
				Attempt #1 _____ Attempt #2 _____ Written Notice mailed_____		

*-No answer = N
Left Message = LM

Notification made = NM
7/26/17

[ ] Board of Education

Extraordinary Educational Experience Request Form

Pursuant to guidelines from the Connecticut Department of Education, the [_____] Public Schools will consider certain extraordinary educational experiences to be excused absences. In order for an experience to qualify as an extraordinary educational experience, the opportunity must be educational in nature and must have a learning objective specifically related to the student's coursework or plan of study. It is important to note that not all memorable and/or life experiences are considered extraordinary educational experiences for the purpose of an excused absence. In order to qualify, the experience must be an opportunity not ordinarily available to the student. The experience must be grade and developmentally appropriate and the content of the experience must be highly relevant to the individual student. Whether an experience fits the requirements of an extraordinary educational experience for the purpose of an excused absence is a determination within the discretion of the building principal or designee.

To request consideration of an experience as an extraordinary educational experience, the following form must be filled out, signed by the parent and student, and returned at least five (5) school days in advance of the date of the opportunity. Please note that approval is not assured. Approvals are awarded on a case-by- case basis and are based on a number of factors. An experience approved for one student does not guarantee that it will be approved for others.

Name of Student: _____ Today's Date: _____

Title of Educational Opportunity:

_____

Please describe the learning objective of the educational opportunity and how the objective is linked to the student's coursework or plan of study (you may attach additional sheets):

_____

_____

_____

_____

_____

Date(s) of educational opportunity:

_____

Dates and total number of days of planned absence:

_____

Signature of Parent _____

Signature of Student _____

****

For Office Use Only. Received by _____ on _____. Approved? Yes/No By _____.

7/29/21

MODEL FORM

[Board of Education/School Letterhead]
SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)

Name of Child:_____ Date of Birth:_____

Address of Child: _____

Name of Parent(s):_____

Address of Parent(s) (if different from child):_____

_____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child
a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that if my child is currently age five (5) and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is "elsewhere receiving equivalent instruction in the studies taught in the public schools," when the child turns seven (7).

Signature:_____ Date:_____

School Personnel Use Only

☐ Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system.

MODEL FORM

[Board of Education/School Letterhead]

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)
[***Note: This form should only be used through the 2022-2023 school year.***]

Name of Child:_____ Date of Birth:_____

Address of Child: _____

Name of Parent(s):_____

Address of Parent(s) (if different from child):_____

_____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor, school counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child

a child who is seventeen years of age, and I consent to my child's withdrawal from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature:_____ Date:_____

School Personnel Use Only

☐ Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature:_____ Date:_____
Title:_____
10/10/21

MODEL FORM

[*Note to districts: Connecticut General Statutes Section 10-184 provides that, for the school year commencing July 1, 2023 and each school year thereafter, a student who is eighteen years of age or older may withdraw from school, subject to certain conditions. This form may be used for students age eighteen or older who wish to withdraw from school beginning with the 2023-2024 school year.*]

[Board of Education/School Letterhead]

SCHOOL ATTENDANCE OPTION FORM (STUDENTS AGE 18)

Name of Student:_____ Date of Birth:_____

Address of Student: _____

_____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that, for the school year commencing July 1, 2023 and each school year thereafter, a student who is **eighteen (18) years of age or older** may withdraw from school. Such student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such student with information on the educational options available in the school system and in the community.

Withdrawal from School by Student Age 18 or Over

I, _____, am a student of at least eighteen years of age,
Name of student

and I hereby withdraw from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for me.

Signature:_____ Date:_____

School Personnel Use Only

☐ Student appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature:_____ Date:_____

Title:_____

10/10/2021

MODEL FORM

[Board of Education/School Letterhead]

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)

[Note to districts: Connecticut General Statutes Section 10-184 provides that, for the school year commencing July 1, 2023 and each school year thereafter, the parent or guardian of a student who is seventeen (17) years of age or older may withdraw such child from school if the parent or guardian consents to the student's withdrawal and simultaneously enrolls the child in an adult education program. In accordance with these requirements, the district may use this form beginning with the 2023-2024 school year.]

Name of Child:_____ Date of Birth:_____

Address of Child: _____

Name of Parent(s):_____

Address of Parent(s) (if different from child):_____

_____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school if they simultaneously enroll such child in an adult education program pursuant to Connecticut General Statutes Section 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child

a child who is seventeen years of age. I hereby withdraw my child from school and attest that, upon my child's withdrawal, I will enroll my child in an adult education program pursuant to Connecticut General Statutes Section 10-69. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature:_____ Date:_____

School Personnel Use Only

- ☐ Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature:_____ Date:_____

Title:_____

10/10/2021

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Regulation

P/AR 5114 Student Discipline

December 2020 (Complete Re-Write)

We revised this policy to incorporate certain changes initially introduced as part of the COVID-19 temporary policies during the summer of 2020 concerning remote learning and the possibility for virtual hearings.

Fall 2021 (Complete Re-Write)

We have revised this policy in light of Section 19 of June Special Session, Public Act No. 21-1, which revises Conn. Gen. Stat. § 10-221(d) to require that, on and after January 1, 2022, policies adopted in conformity with Conn. Gen. Stat. § 10-154a concerning the use, sale or possession of alcohol or controlled drugs by students on school property shall not result in a student facing greater discipline, punishment, or sanction for the use, sale or possession of cannabis than they would face for the use, sale or possession of alcohol. We have also revised references to "remote learning" to ensure they align with the new definition of "remote learning" in Public Act 21-46 and June Special Session, Public Act 21-2. Further, we have revised the definition of "bullying" to conform with the new statutory definition in Public Act No. 19-166, which went into effect on July 1, 2021. Finally, we clarified throughout the policy that the provisions of the policy extend to students while on school transportation, because school transportation is a school-sponsored activity.

Students

STUDENT DISCIPLINE

I. Definitions

A. Dangerous Instrument means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

B. Deadly Weapon means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.

C. Electronic Defense Weapon means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

D. Emergency means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

E. Exclusion means any denial of public school privileges to a student for disciplinary purposes.

F. Expulsion means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

G. Firearm, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is

generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

H. In-School Suspension means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

I. Martial Arts Weapon means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

J. Removal is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

K. School Days shall mean days when school is in session for students.

L. School-Sponsored Activity means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

M. Seriously Disruptive of the Educational Process, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

N. Suspension means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

O. Weapon means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. ***Conduct on School Grounds or at a School-Sponsored Activity:***

1. Suspension. Students may be **suspended** for conduct on school grounds or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**

2. Expulsion. Students may be **expelled** for conduct on school grounds or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property**.

B. ***Conduct off School Grounds:***

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process.**

C. ***Seriously Disruptive of the Educational Process:***

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) **whether the incident occurred within close proximity of a school**; (2) **whether other students from the school were involved or whether there was any gang involvement**; (3) **whether the conduct involved violence, threats of violence, or the unlawful use of a weapon**, as defined in Section Conn. Gen. Stat. § 29-38, and **whether any injuries occurred**; and (4) **whether the conduct involved the use of alcohol**. The Administration and/or the Board of Education may also consider (5) **whether the off-campus conduct involved the illegal use of drugs**.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, members of the school staff or other persons.

2. Theft.

3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law.

7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.

8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.

10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).

11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

12. Possession of any ammunition for any weapon described above in paragraph 11.

13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For the purposes of Paragraph 15, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the

purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.

17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

20. Trespassing on school grounds while on out-of-school suspension or expulsion.

21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.

22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.

24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.

27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld

device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.

29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.

30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.

31. Hazing.

32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:

a. causes physical or emotional harm to such student or damage to such student's property;

b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

c. creates a hostile environment at school for such student;

d. infringes on the rights of such student at school; or

e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.

36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.

37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

40. Any action prohibited by any Federal or State law.

41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Discretionary and Mandatory Expulsions

A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:

1. was in **possession on school grounds** or at a **school-sponsored activity** of a **deadly weapon**, **dangerous instrument**, **martial arts weapon**, or **firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or

2. **off school grounds**, **possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon**, a **dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or

3. was engaged **on or off school grounds** in **offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms "**dangerous instrument**," "**deadly weapon**," **electronic defense weapon**," "**firearm**," and "**martial arts weapon**," are defined above in Section I.

C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term **"firearm"** is defined above in Section I.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.

B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.

2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:

a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (*A*) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (*B*) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.

4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.

6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.

7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.

8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.

9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.

11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the principal or designee.

B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.

D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. ***Emergency Exception:***

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233*l*, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. ***Hearing Panel:***

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. ***Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):***

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) at least five (5) business days before such hearing.

2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

3. The written notice of the expulsion hearing shall inform the student of the following:

a. The date, time, place and nature of the hearing.

b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

c. A short, plain description of the conduct alleged by the Administration.

d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.

e. The student may cross-examine witnesses called by the Administration.

f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).

g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.

h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights about free or reduced-rate legal services and how to access such services.

j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. ***Hearing Procedures:***

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.

3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.

6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.

7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.

8. The student shall not be compelled to testify at the hearing.

9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.

10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.

11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.

12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must

be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

E. ***Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. ***Stipulated Agreements:***

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the

alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

A. ***Students under sixteen (16) years of age:***

Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

B. ***Students sixteen (16) to eighteen (18) years of age:***

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.

2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.

3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

C. ***Students eighteen (18) years of age or older:***

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. ***Content of Alternative Educational Opportunity***

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled,* adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address student

placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

E. ***Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):***

Notwithstanding Subsections IX.A. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

F. ***Students for whom an alternative educational opportunity is not required:***

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

X. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

XI. Change of Residence During Expulsion Proceedings

A. ***Student moving into the school district:***

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. ***Student moving out of the school district:***

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. ***Suspension of IDEA students:***

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The Administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. ***Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:***

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.

3. If the student's PPT finds that the behavior <u>was</u> a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior <u>was not</u> a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. ***Removal of Special Education Students for Certain Offenses:***

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or

b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

2. The following definitions shall be used for this subsection XII.C.:

a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in or any other residential placement.

B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVII. Compliance with Documentation and Reporting Requirements

A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.

C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or

local agency for rehabilitation, intervention or job training and inform the agency of its action.

D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Public Act 19-91, "An Act Concerning Various Revisions and Addition to the Education Statutes."

Public Act 19-13, "An Act Prohibiting the Sale of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems and Vapor Products to Persons Under Age Twenty-One."

§ 10-16 Length of school year

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act

§ 10-222d Safe school climate plans. Definitions. Safe school climate assessments

§§ 10-233a through 10-233f Suspension and expulsion of students.

§ 10-233*l* Expulsion and suspension of children in preschool programs

§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 21a-240 Definitions

§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited

§§ 21a-408a through 408p Palliative Use of Marijuana

§ 29-38 Weapons in vehicles

§ 53a-3 Definitions

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors

§ 53-206 Carrying of dangerous weapons prohibited.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).

State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).

State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

18 U.S.C. § 921 (definition of "firearm")

18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")

18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")

21 U.S.C. § 812(c) (identifying "controlled substances")

34 C.F.R. § 300.530 (defining "illegal drugs")

Gun-Free Schools Act, 20 U.S.C. § 7961

Honig v. Doe, 484 U.S. 305 (1988)

Adopted policy: 9/18/07

Revised policy: 6/18/13

Revised policy: 1/20/16

Revised policy: 4/17/18

Revised policy: 9/18/18

Revised policy: 2/19/2020

AR5114

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Windsor Public Schools (the "District") is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:

1. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).

2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan ("ILP") that will govern the programming for the student for the period of expulsion. To develop the

ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);

b. Individualized education program ("IEP");

c. Section 504 Plan;

d. Individualized health care plan or emergency care plan; and/or

e. Other relevant academic and behavioral data.

2. The ILP will address the following:

a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board's academic program and earn graduation credits, if applicable;

b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;

d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and

e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

A. A review of the appropriateness of the placement must occur at least once per marking period.

B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and

2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

VI. Transition Plan for Readmission

A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);

2. A plan to transfer the student's credits and records back to the school from which the student was expelled:

a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;

b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

3. The student's need for academic and other supports upon returning to his/her school; and

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, Standards for Educational Opportunities for Students Who Have Been Expelled (January 3, 2018).

Regulation approved: 9/18/18

Craig A. Cooke, Ph.D.
Superintendent

Windsor Public Schools

Windsor, CT

AR 5114

Students

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Windsor Public Schools (the "District") is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:

1. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to

inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).

2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan ("ILP") that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);

b. Individualized education program ("IEP");

c. Section 504 Plan;

d. Individualized health care plan or emergency care plan; and/or

e. Other relevant academic and behavioral data.

2. The ILP will address the following:

a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for

those classes so that the student has an opportunity to continue to progress in the Board's academic program and earn graduation credits, if applicable;

b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and

e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

A. A review of the appropriateness of the placement must occur at least once per marking period.

B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and

2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

VI. Transition Plan for Readmission

A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);

2. A plan to transfer the student's credits and records back to the school from which the student was expelled:

a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;

b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

3. The student's need for academic and other supports upon returning to his/her school; and

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

Regulation approved: 2/19/2020

Craig A. Cooke, Ph.D.

Superintendent

Windsor Public Schools

Windsor, CT

SHIPMAN

Series 5000
Students

STUDENT DISCIPLINE

I. Definitions

A. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.

B. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

C. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (e.g., spring v. CO2 cartridge) and potential for serious bodily harm or death.

D. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

E. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

F. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

G. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

© 2021 Shipman & Goodwin LLP. All rights reserved.

H. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

I. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

J. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

K. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

L. **School Days** shall mean days when school is in session for students.

M. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the _____ Board of Education (the "Board") and includes activities conducted on or off school property.

N. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

© 2021 Shipman & Goodwin LLP. All rights reserved.

O. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

P. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

Q. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

R. For purposes of this policy, references to "school", "school grounds" and "classroom" shall include physical educational environments, as well as environments in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning model.

II. Scope of the Student Discipline Policy

A. ***Conduct on School Grounds, on School Transportation, or at a School-Sponsored Activity:***

1. Suspension. Students may be **suspended** for conduct on school grounds, on school transportation, or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**

2. Expulsion. Students may be **expelled** for conduct on school grounds, on school transportation, or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property**.

© 2021 Shipman & Goodwin LLP. All rights reserved.

B. ***Conduct off School Grounds:***

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process**.

C. ***Seriously Disruptive of the Educational Process:***

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) **whether the incident occurred within close proximity of a school**; (2) **whether other students from the school were involved or whether there was any gang involvement**; (3) **whether the conduct involved violence, threats of violence, or the unlawful use of a weapon**, as defined in Section 29-38 of the Connecticut General Statutes, and **whether any injuries occurred**; and (4) **whether the conduct involved the use of alcohol**. The Administration and/or the Board of Education may also consider (5) **whether the off-campus conduct involved the illegal use of drugs**.

D. On and after January 1, 2022, a student shall not have greater discipline, punishment, or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, member of the school staff or other person(s).

2. Theft.

3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.

© 2021 Shipman & Goodwin LLP. All rights reserved.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, alienage, ancestry, gender identity or expression, marital status, age, pregnancy, veteran status or any other characteristic protected by law.

7. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.

8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.

10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).

11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

12. Possession of any ammunition for any weapon described above in Paragraph 11.

13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire.

© 2021 Shipman & Goodwin LLP. All rights reserved.

Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 15, the term "electronic cannabis delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law, including cannabis.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.

17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in Paragraph 15 above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of

© 2021 Shipman & Goodwin LLP. All rights reserved.

any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

20. Trespassing on school grounds while on out-of-school suspension or expulsion.

21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.

22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.

24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.

27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or

© 2021 Shipman & Goodwin LLP. All rights reserved.

at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

28. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the principal or designee.

29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.

30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.

31. Hazing.

32. Bullying, defined as an act that is direct or indirect and severe, persistent or pervasive, which:

    a. causes physical or emotional harm to an individual;

    b. places an individual in reasonable fear of physical or emotional harm; or

    c. infringes on the rights or opportunities of an individual at school; or

    Bullying shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the

© 2021 Shipman & Goodwin LLP. All rights reserved.

conduct is intended as a joke, including but not limited to violating school or district health and safety protocols.

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.

36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.

37. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, which occurs between two students who are currently in or who have recently been in a dating relationship.

40. Any action prohibited by any Federal or State law.

41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Discretionary and Mandatory Expulsions

A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where the principal has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:

© 2021 Shipman & Goodwin LLP. All rights reserved.

1. was in **possession on school grounds, on school transportation,** or at a **school-sponsored activity** of a **deadly weapon, dangerous instrument, martial arts weapon,** or **firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or

2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon,** a **dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or

3. was engaged **on or off school grounds or school transportation** in **offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms "**dangerous instrument,**" "**deadly weapon,**" **electronic defense weapon,**" "**firearm,**" and "**martial arts weapon,**" are defined above in Section I.

C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds, on school transportation, or at a preschool program-sponsored event. The term **"firearm"** is defined above in Section I.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or designee determines that a student should or must be expelled, the Superintendent or designee shall forward such recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades

© 2021 Shipman & Goodwin LLP. All rights reserved.

kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

A. A student may be removed from class by a teacher or administrator if the student deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send the student to a designated area and notify the principal or the principal's designee at once.

B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.

2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:

a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such

© 2021 Shipman & Goodwin LLP. All rights reserved.

a disruption of the educational process that he or should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds or on school transportation is of a violent or sexual nature that endangers persons.

3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.

4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.

6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.

7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or designee of the name of the student being suspended and the reason for the suspension.

© 2021 Shipman & Goodwin LLP. All rights reserved.

8. The student shall be allowed to complete any classwork, including examinations, without penalty, which the student missed while under suspension.

9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.

11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before

© 2021 Shipman & Goodwin LLP. All rights reserved.

the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the principal or designee.

B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.

D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. ***Emergency Exception:***

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233*l*, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. ***Hearing Panel:***

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must

© 2021 Shipman & Goodwin LLP. All rights reserved.

be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. ***Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):***

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent(s) or guardian(s) at least five (5) business days before such hearing.

2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to the student's parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

3. The written notice of the expulsion hearing shall inform the student of the following:

   a. The date, time, place and nature of the hearing, including if the hearing will be held virtually, via video conference.

   b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

   c. A short, plain description of the conduct alleged by the Administration.

   d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.

   e. The student may cross-examine witnesses called by the Administration.

   f. The student may be represented by an attorney or other advocate of the student's choice at the student's expense or at the expense of the student's parent(s) or guardian(s).

© 2021 Shipman & Goodwin LLP. All rights reserved.

g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or the student's parent(s) or guardian(s) requires the services of an interpreter because they do not speak the English language or are disabled.

h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.

j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. ***Hearing Procedures:***

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.

3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.

© 2021 Shipman & Goodwin LLP. All rights reserved.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.

6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.

7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer and by Board members.

8. The student shall not be compelled to testify at the hearing.

9. After the Administration has presented its case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or the student's representative.

10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.

11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.

12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the

© 2021 Shipman & Goodwin LLP. All rights reserved.

second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

18. The hearing may be conducted virtually, via video conference, at the direction of the Board, in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

© 2021 Shipman & Goodwin LLP. All rights reserved.

E. ***Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property or school transportation for a specified purpose or to participate in a particular school-sponsored activity.

F. ***Stipulated Agreements:***

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on the student's own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

A. ***Students under sixteen (16) years of age:***

© 2021 Shipman & Goodwin LLP. All rights reserved.

Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

B. ***Students sixteen (16) to eighteen (18) years of age:***

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if the student requests it and if the student agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to participation in the adult education program.

2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.

3. The Board of Education shall count the expulsion of a pupil when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when the student is between the ages of sixteen and eighteen.

C. ***Students eighteen (18) years of age or older:***

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. Content of Alternative Educational Opportunity

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled,* adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

© 2021 Shipman & Goodwin LLP. All rights reserved.

2. The Superintendent, or designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but are not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

E. ***Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):***

Notwithstanding Subsections IX.A. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

F. ***Students for whom an alternative educational opportunity is not required:***

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

X. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(16), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

© 2021 Shipman & Goodwin LLP. All rights reserved.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

XI. Change of Residence During Expulsion Proceedings

A. ***Student moving into the school district:***

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. ***Student moving out of the school district:***

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently

© 2021 Shipman & Goodwin LLP. All rights reserved.

renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. ***Suspension of IDEA students:***

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The Administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. ***Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:***

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

© 2021 Shipman & Goodwin LLP. All rights reserved.

2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of the student's disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. ***Removal of Special Education Students for Certain Offenses:***

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

   a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds, on school transportation, or at a school-sponsored activity, or

   b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school,

© 2021 Shipman & Goodwin LLP. All rights reserved.

on school transportation, or at a school-sponsored activity; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, or at a school function.

2. The following definitions shall be used for this subsection XII.C.:

a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship

© 2021 Shipman & Goodwin LLP. All rights reserved.

between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of the student's disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such

© 2021 Shipman & Goodwin LLP. All rights reserved.

readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVII. Compliance with Documentation and Reporting Requirements

A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.

C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

§ 10-16 Length of school year
§ 10-74j Alternative education
§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
§ 10-222d Safe school climate plans. Definitions. Safe school climate assessments
§§ 10-233a through 10-233f Suspension and expulsion of students
§ 10-233*l* Expulsion and suspension of children in preschool programs

© 2021 Shipman & Goodwin LLP. All rights reserved.

§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties

§ 21a-240 Definitions

§ 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing

§ 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person

§§ 21a-408a through 408p Palliative Use of Marijuana

§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions

§ 29-38 Weapons in vehicles

§ 53a-3 Definitions

§ 53-206 Carrying of dangerous weapons prohibited

§ 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one.

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Public Act No. 21-46, "An Act Concerning Social Equity and the Health, Safety and Education of Children."

Packer v. Board of Educ. of the Town of Thomaston, 717 A.2d 117 (Conn. 1998).
State v. Hardy, 896 A.2d 755 (Conn. 2006).
State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
18 U.S.C. § 921 (definition of "firearm")
18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")
18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")
21 U.S.C. § 812(c) (identifying "controlled substances")

© 2021 Shipman & Goodwin LLP. All rights reserved.

34 C.F.R. § 300.530 (defining "illegal drugs")
Gun-Free Schools Act, 20 U.S.C. § 7961
Honig v. Doe, 484 U.S. 305 (1988)

ADOPTED: _____
REVISED: _____

11/10/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

Series 5000
Students

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the _____ Public Schools (the "District") is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building principal of the school from which the student has been expelled, or designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or designee(s), will take the following steps:

1. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).

2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

© 2021 Shipman & Goodwin LLP. All rights reserved.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or designee, will develop an Individualized Learning Plan ("ILP") that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);

b. Individualized education program ("IEP");

c. Section 504 Plan;

d. Individualized health care plan or emergency care plan; and/or

e. Other relevant academic and behavioral data.

2. The ILP will address the following:

a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the

© 2021 Shipman & Goodwin LLP. All rights reserved.

Board's academic program and earn graduation credits, if applicable;

b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;

d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and

e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

A. A review of the appropriateness of the placement must occur at least once per marking period.

B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and

© 2021 Shipman & Goodwin LLP. All rights reserved.

2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

VI. Transition Plan for Readmission

A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);

2. A plan to transfer the student's credits and records back to the school from which the student was expelled:

a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;

b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

3. The student's need for academic and other supports upon returning to school; and

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

B. In the event the principal, or designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

© 2021 Shipman & Goodwin LLP. All rights reserved.

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

ADOPTED: _____
REVISED: _____

11/10/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).
(Parent's/Student's Address)

(Non-custodial Parent, if applicable)
(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)

Dear ***(Parent/Guardian)***:

In accordance with the ***(name of district)*** Board of Education Policy ***(policy # & title)***, I am writing to advise you that the ***(name of district)*** Board of Education (the "Board") will hold a formal hearing concerning your child, ***(name of student)*** to consider the recommendation of ***(name of administrator)*** that your child be expelled from school. [***In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing officer in this matter.]*** This hearing is being held pursuant to Section 10-233d ***[In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233l]*** and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the ***(name of district)*** Board of Education Policy ***(policy # & title)***, a copy of which is enclosed. The Board ***(OR the hearing officer)*** intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your child (***for on or off-campus conduct***: violated Board Policy ***cite Student Discipline Policy number and any other specific policy number*** on ***date*** and seriously disrupted the educational process) (***and/or, for on-campus conduct***: endangered persons or property) by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

© 2021 Shipman & Goodwin LLP. All rights reserved.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (***date, time, place [note: unless an emergency exists, the this notice must be given to the student/parent/guardian at least five (5) business days before the hearing]). (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your child's [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of the child's disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled.*** You and your child are asked to attend this hearing. Your child has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board ***(OR the hearing officer)*** may also question witnesses. An opportunity will also be given for the administration and your child or your child's representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board ***(OR the hearing officer)*** has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your child has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your child is expelled as a result of the scheduled hearing, and your child is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your child is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your child an alternative educational opportunity if your child wishes to

© 2021 Shipman & Goodwin LLP. All rights reserved.

continue their education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at ***(number)***.

Sincerely,

(Name of Superintendent)
(Name of District) Public Schools

Cc: ***(Name of District)***, Chairman, ***(Name of District)*** Board of Education
(Name of Special Education Director, where applicable)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

11/10/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____; SASID) is currently enrolled as a _____ grade student at _____ School.

2. NAME OF STUDENT admits having engaged in the following conduct *(insert a short, plain statement of the conduct)* on or about _____, 20__.

3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline) *(Cite other policies here as appropriate)*, and is considered by the district administration to be seriously disruptive of the educational process. *(For conduct that occurs on school grounds,* on school transportation, *or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property). (If the student has admitted to this conduct, note the admission here).*

4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

5. (*Optional Section for students with disabilities*): A manifestation determination was made on *(date)* concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.

6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

7. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled, effective _____, 20__ and continuing through _____, 20____, under the following conditions:

   a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

   (Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

   The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by

© 2021 Shipman & Goodwin LLP. All rights reserved.

the State Board of Education, pursuant to section 3 of public act 17-220 (a "Statutory Alternative Educational Opportunity"). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT's right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the *Standards of Educational Opportunities for Students Who Have Been Expelled*, adopted by the Connecticut State Board of Education, and the Board's Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:

[*Describe alternative educational opportunity agreed to by parties.*]

If NAME OF STUDENT becomes ineligible to attend the _____ Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds or school transportation, and will not be permitted to attend or participate in any school-sponsored activities, except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission):

c) Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.

d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through *(date)*, without the need for any further proceedings before the Board.

(Optional Section for expungement if the expulsion is the student's first expulsion):

e) Prior to *(date)*, the Superintendent will review NAME OF STUDENT's conduct, attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent's sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from NAME OF STUDENT's educational record as of *(date)*.

© 2021 Shipman & Goodwin LLP. All rights reserved.

8. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or NAME OF STUDENT's parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.

9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the _____ Board of Education to contest NAME OF STUDENT's proposed expulsion from the _____ Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.

10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.

11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

_____ Date:_____
NAME OF SUPERINTENDENT
Superintendent of Schools

_____ Date:_____
NAME OF STUDENT
Student

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

_____ Date:_____

NAME OF PARENT/GUARDIAN
OF STUDENT

_____ Date:_____

NAME OF PARENT/GUARDIAN
OF STUDENT

11/10/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

Note: This is a sample Individualized Learning Plan drafted in accordance with the* Standards for Educational Opportunities for Students Who Have Been Expelled, *which was approved by the State Board of Education on January 3, 2018. The specific goals and benchmarks can be customized to meet the needs of individual students.

[ ] Public Schools
Individualized Learning Plan

Student Name: _____ **Date of Birth:** _____ **Gr.** _____

School Prior to Expulsion: _____ **SASID:** _____

Does the student have an Individualized Education Program? ☐ Yes ☐ No

Does the student have a Section 504 Plan? ☐ Yes ☐ No

Records Reviewed with Relevant Information for the Provision of an Alternative Educational Opportunity	
☐ Student Success Plan	☐ Report Cards and Current Grades
☐ Individualized Education Program (IEP)	☐ Attendance Records
☐ Behavioral Intervention Plan (BIP)	☐ Disciplinary/Behavioral Records
☐ Section 504 Plan	☐ Other: _____
☐ Individualized Health Care Plan/Emergency Care Plan	☐ Other: _____

ILP Developed Through Collaboration With (check all that apply):	
☐ Parent/Guardian: _____	☐ Teacher: _____
☐ Parent/Guardian: _____	☐ Teacher: _____
☐ Student: _____	☐ Other (specify): _____
☐ Administrator: _____	☐ Other (specify): _____
☐ School Counselor: _____	☐ Other (specify): _____

Records Transferred	
Date of transfer of relevant student records from the student's school to provider of alternative educational opportunity: _____	Date of transfer of records from provider of alternative educational opportunity to the student's school: _____

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

Records Distribution and Storage
Copies of the Individualized Learning Plan will be distributed to the following locations and/or individuals and stored in accordance with the District's student records policy:
☐ Student's cumulative file ☐ The Student's receiving school or alternative educational placement ☐ Student's parent/guardian

[Note: Districts should insert or delete locations where this record may be kept in accordance with their student records policies and practices]

Student's Classes Prior to Expulsion	
Core Class	**Placement/Progress in Class at Time of Expulsion** *(e.g. current grade, current unit, etc.)*

Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.

NEEDS

Academic Needs
☐ See IEP *(if applicable)*
☐ Other:

Behavioral Needs
☐ See IEP *(if applicable)*
☐ Other:

© 2021 Shipman & Goodwin LLP. All rights reserved.
e45e978174f446a285526a0d31efb63f

SHIPMAN

GOALS

Academic Goals		
☐ See IEP *(if applicable)*	☐ Satisfactory work completion	☐ Satisfactory progress in coursework and toward meeting relevant academic standards
☐ Other:		

Benchmarks to Measure Progress Toward Academic Goals		
☐ See IEP *(if applicable)*	☐ Passing grades on midterm progress reports	☐ Passing grades on report card
☐ Other:		
Progress monitoring *mm/dd/yy:*		

Behavioral Goals		
☐ See IEP *(if applicable)*	☐ Satisfactory attendance	☐ Satisfactory compliance with behavioral expectations and disciplinary policies
☐ Other:		

Benchmarks to Measure Progress Toward Behavioral Goals		
☐ See IEP *(if applicable)*	☐ Fewer than _____ teacher referrals to administration for disciplinary matters	☐ Fewer than _____ contacts to parents/guardians for disciplinary matters
☐ Attends alternative program _____% or more of scheduled days/sessions.	☐ Other:	
Progress monitoring *mm/dd/yy:*		

© 2021 Shipman & Goodwin LLP. All rights reserved.
e45e978174f446a285526a0d31efb63f

SHIPMAN

INTERVENTIONS

Academic Interventions	
☐ See IEP *(if applicable)*	☐ See Section 504 Plan *(if applicable)*
☐ Tier 1 _____	☐ Tier 2 _____
☐ Tier 3 _____	
☐ Other:	

Behavioral Interventions	
☐ See IEP *(if applicable)*	☐ See Section 504 Plan *(if applicable)*
☐ Tier 1 _____	☐ Tier 2 _____
☐ Tier 3 _____	
☐ Other:	

© 2021 Shipman & Goodwin LLP. All rights reserved.
e45e978174f446a285526a0d31efb63f

SHIPMAN

Review and Communication of Progress to Parents/Guardians or Student

Method of monitoring and review: *(for most students, monitoring and reviewing progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable)*

- ☐ Monitoring attendance
- ☐ Monitoring work completion
- ☐ Monitor progress toward meeting relevant academic standards
- ☐ Review and monitor progress in accordance with IEP and/or BIP (if applicable)
- ☐ Other: _____

Timing for communication of progress to parents/guardians or student: *(Progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students)*

- ☐ Each marking period
- ☐ Other: _____

Early Readmission

The expulsion decision contains the following early readmission criteria:

☐ The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.

- ☐ The student applied to the Board of Education for early readmission on _____ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:

- ☐ The student applied to the Board of Education for early readmission on _____ and early readmission was not granted.

☐ The student may apply to the Superintendent for early readmission and such readmission shall be at the

© 2021 Shipman & Goodwin LLP. All rights reserved.
e45e978174f446a285526a0d31efb63f

discretion of the Superintendent.

☐ The student applied to the Superintendent for early readmission on _____ and the Superintendent granted the request and has conditioned such early readmission on the following criteria:

☐ The student applied to the Superintendent for early readmission on _____ and early readmission was not granted.

Review of Placement and ILP:

A review of the appropriateness of the placement must occur at least once per marking period. Such review must include:

- Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section)

Transition Plan for Readmission:

The following has been considered and, where appropriate, addressed:

☐ Efforts to readmit the student at a semester starting point (at the high school level)
☐ A plan to transfer the student's credits and record back to the student's school
☐ The student's need for academic and other supports upon returning to school
☐ Efforts to connect the student with opportunities to participate in extracurricular activities

11/10/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.
e45e978174f446a285526a0d31efb63f

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Regulation

P/AR 5125 Confidentiality and Access to Education Records

December 2020 (Complete Re-Write)

We made technical revisions to this policy and revised the administrative regulations to identify the new retention period for records under Title IX of the Education Amendments of 1972.

Students

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

I. POLICY

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

II. DEFINITIONS

A. Access is defined as the right to inspect or review a student's education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.

B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs-- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.

D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address, the student's name, address, telephone number, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. Directory information does not include the email address of a parent or guardian, a student's social security number, student identification

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

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

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

H. Education Records

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

2. Education records do not include:

a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";

b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;

d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;

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

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

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

J. Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.

K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

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

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

N. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

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

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

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

IV. CONFIDENTIALITY OF EDUCATION RECORDS

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

B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.

C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.

E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

V. ACCESS TO EDUCATION RECORDS

A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.

C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.

D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.

E. For the records of regular education students, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.

F. For students requiring special education, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an Individualized Education Plan (IEP) or any due process hearing or resolution session held in accordance with the Individuals with Disabilities Act (IDEA); otherwise, the Board will comply with such request not later than ten (10) school days of such request.

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

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

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

J. Non-custodial Parents:

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

K. Copies of Education Records/Fees:

1) The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive one free copy of those records. The request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed [50¢] per page.

2) In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

a. provide the parent or eligible student with a copy of the records requested, or

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

3) The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.

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

A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational

career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

1) the name of any individual, agency, or organization that requested or obtained access to the student's records;

2) the date of the request for access;

3) whether access was given;

4) the purpose for which the party was granted access to the records;

5) the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and

6) the legitimate educational interest in obtaining the information.

C. The record (log) requirement does not apply to requests from, or disclosure to:

1) a parent or eligible student;

2) a party seeking directory information;

3) a party who has a signed and dated written consent from the parent and/or eligible student;

4) school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or

5) persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

E. If the district makes a release of education records without consent in a health and safety emergency, the district must record:

1) the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and

2) the parties to whom the district disclosed the information.

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VII.C below. Personally identifiable information including email addresses of families and students contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, e-mailed, etc.) to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

2. The disclosure is to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party (a) performs an institutional service or function for which the district would otherwise use employees, (b) is under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records. The Board shall comply with Subsection I of this policy prior to the provision of student records, student information or student-generated content to a consultant or operator, as those terms are defined in Subsection I.

3. Transfer Students:

a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.

b) When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.

c) Upon notification by the Department of Children and Families (DCF) of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.

4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs, so long as the district enters into a written agreement with the authorized representatives conducting the audit or evaluation, which agreement must comply with 34 C.F.R. 99.35(a)(3) and require that the authorized representative protects the confidentiality of personally identifiable student information consistent with FERPA requirements. Such entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as (a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization, (b) the

information is destroyed after it is no longer needed for the purposes for which the study was conducted, and (c) the district enters into a written agreement with the organization conducting the study that ensures that the study protects the confidentiality of personally identifiable student information consistent with FERPA requirements.

8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.

10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.

12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

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

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.

16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if (1) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and (2) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.

17. The disclosure is to an agency caseworker or other representative of the DCF or other child welfare agency or tribal organization who has the right to access a student's case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such, except to an individual or entity engaged in addressing the student's educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

D. Directory Information

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

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the

district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

E. De-identified Records and Information

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;

b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and

c) the record code is not based on a student's social security number or other personal information.

F. Disciplinary Records:

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that

student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

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

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

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

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

I. The Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator. This contracting requirement applies to any contract entered into, amended or renewed on or after October 1, 2016.

1. The provisions of said contract shall comply with the requirements of Public Act 16-189.

2. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall provide electronic notice to any student and the parent or legal guardian of the student affected by the contract. Such notice and the contract shall be posted on the Board's Internet web site. The notice shall:

a. Explain that the contract has been executed and the date that such contract was executed;

b. Provide a brief description of the contract and the purpose of the contract; and

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

3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than forty-eight (48) hours after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to:

Steven Carvalho, Director of Pupil and Special Education Services

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 238

scarvalho@windsorct.org

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

a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.

b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.

c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.

d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.

e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:

1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;

2) Created or provided by an employee or agent of the Board to an operator for school purposes;

3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

1) Improve educational products for adaptive learning purposes and customize student learning;

2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and

3) Develop and improve the consultant's or operator's products and services.

VIII. REDISCLOSURE OF EDUCATION RECORDS

A. The school district may disclose personally identifiable information from an education record only on the conditions that:

1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and

2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.

B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior

written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.

2. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).

3. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.

4. The information is considered directory information.

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

IX. AMENDMENT OF EDUCATION RECORDS

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:

1. Request in writing that the school district amend the records;

2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

X. HEARING RIGHTS AND PROCEDURES

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education

records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.

3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.

5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

XI. WAIVER OF RIGHTS

A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.

2. The letters or statements are used only for the purpose for which they were originally intended.

3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.

4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.

B. A waiver may be revoked with respect to any actions occurring after the revocation.

C. Revocation of a waiver must be in writing.

XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

A. The following definitions shall apply to Section XII of this policy:

1. Confidential HIV-Related Information

"Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual's partners.

2. Health Care Provider

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

3. Protected Individual

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

4. Release of confidential HIV-related information

"Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be

effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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

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

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:

a. the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;

b. any person who secures a release of confidential HIV-related information;

c. a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;

d. a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;

e. a medical examiner to assist in determining cause of death; or

f. any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall

attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.

4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.

5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.

6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.

3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

XIII. CHILD ABUSE REPORTING

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy 5141.4.

XIV. RIGHT TO FILE A COMPLAINT

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, DC 20202-4605

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 et seq.

Conn. Gen. Stat. § 1-220h

Conn. Gen. Stat. § 10-15b

Conn. Gen. Stat. § 10-233d

Conn. Gen. Stat. § 17-16a

Conn. Gen. Stat. § 17a-28

Conn. Gen. Stat. § 17a-101k

Conn. Gen. Stat. § 19a-581 et seq.

Conn. Gen. Stat. § 46b-134

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

Public Act 16-189, An Act Concerning Student Data Privacy

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

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g et seq. (as amended)

USA Patriot Act of 2001, Pub. L. 107-56

Every Student Succeeds, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296

34 CFR 99.1 - 99.67 (as amended)

34 CFR 300.560-300.576

Dear Colleague Letter on Transgender Students, U.S. Department of Education, Office of Civil Rights, U.S. Department of Justice, Civil Rights Division (May 13, 2016), available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/.

Policy Adopted: June 19, 2012

Policy Revised: November 15, 2016

Policy Revised: March 21, 2017

Windsor Public Schools

Windsor, CT

AR5125

Students

CLASSIFICATION OF EDUCATION RECORDS

The School District will appoint a Custodian of Records who will ensure that student education records are kept as follows:

A. CATEGORY "A" RECORDS:

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.

2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.

3. All Category A records created by the district shall include the student's state-assigned student identifier (SASID).

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Category A records shall include, at a minimum, the following:

RECORD	LOCATION
a. Basic biographical information	Cumulative/Health File
b. Academic achievement (grades/transcripts)	Cumulative File
c. Date of high school graduation or equivalent	Cumulative File
d. Records of immunizations	Cumulative/Health/Pupil Personnel File
e. Attendance records (days absent/present/tardy)	Cumulative File

f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. 10-233c(e) , 10-233d(f))	Cumulative File

B. CATEGORY "B" RECORDS

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.

2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's education record.

3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Records containing information pertaining to child abuse/neglect referrals or reports; or containing confidential HIV-related information should be kept separate from the student's cumulative folder, in confidential files.

7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.

8. Information contained in documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential in a central location. Such records shall only be disclosed in accordance with the Board's policy regarding Confidentiality and Access to Education Records.

9. Category B records shall include the following (if applicable):

RECORD	LOCATION
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
a. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File
h. Suspensions/expulsions, which shall include the student's state-assigned student identifier (SASID)	Cumulative File*
i. Parent/eligible student's signed release forms	Cumulative/Health/Pupil Personnel File
j. Truancy Records (including record of parent conferences and referrals)	Cumulative File
k. Child Abuse/Neglect Forms	CONFIDENTIAL FILE IN CENTRAL LOCATION
l. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE

m. Awards	Cumulative File
n. Diagnostic test results (non special education)	Cumulative File/Pupil Personnel
o. Extracurricular Activities	Cumulative File
p. Letters of Recommendation	Cumulative File
q. Parent's/Eligible Student's signed release forms (permitting disclosure of records)	Cumulative File/Health/Pupil Personnel File
r. Diploma (if not picked up by student)	Cumulative File
s. Accident Reports	Cumulative File
t. Basic school entrance health histories	Cumulative/Health File
u. Cumulative Health Record (CHR-1, original or copy)	Health File (*copy remains with district/original follows student)
v. Individualized Health Care Plans / Emergency Care Plans	Cumulative/Health/Pupil Personnel File
w. Health Assessment Records (HAR-3)	Health File
x. Incident Reports	Cumulative File
y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID)	Health File
z. Parent authorization for medications/treatments	Health File

aa. Physician's orders for medications treatments	Health File
bb. Referral forms for services based on results of mandated screenings	Health/Pupil Personnel File
cc. Sports histories and physical-examination reports	Health File
dd. Nursing Records (Health assessment data; Nursing process notes; 3rd party health records)	Health File
ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law	Cumulative File

C. CATEGORY "C" RECORDS - SPECIAL EDUCATION

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.

2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.

3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C shall include (where applicable):

RECORD	LOCATIONS
a. PPT referral forms	Pupil Personnel File
b. School counselor case records	Cumulative/ Pupil Personnel File
c. School psychologists case records	Cumulative/Pupil Personnel File

d. School social-work case records	Cumulative/Pupil Personnel File
e. School speech/language pathology case records	Cumulative/Pupil Personnel File
f. Section 504 Records	Cumulative/Pupil Personnel File
g. Special Education assessment/evaluation reports	Pupil Personnel File
h. Due process records (including complaints, mediations, and hearings)	Pupil Personnel File
i. Individual Transition Plan	Pupil Personnel File
j. Individualized Education Program ("IEP") Records	Pupil Personnel File
k. Planning and Placement Team ("PPT") records (including notices, meetings, consent forms)	Pupil Personnel File
l. Individualized Family Service Plans ("IFSPs")	Pupil Personnel File
m. Incident Reports of Seclusion	Pupil Personnel File
n. Incident Reports of Physical Restraint	Pupil Personnel File

D. CATEGORY "D" RECORDS

1. Category D records must be maintained for minimum retention period specified below.

Category "D" shall include (if applicable):

RECORD	MINIMUM RETENTION REQUIRED	LOCATION
a. Sports Contract/Student Contract	End of school year in which signed	Cumulative File

(including signature sheet for student handbook)		
b. Permission slips / waivers	3 years	Cumulative File
c. Free/reduced meal application and documentation	3 years	Cumulative File
d. Annual Notification to Parents (Student behavior and Discipline, Bus Conduct, Electronic Communications Systems, and the National School Lunch Program)	1 year	Cumulative File
e. Adult education Registration Records	3 years or until audited, whichever comes first	Cumulative File
f. After school program registration records	1 year	Cumulative File
g. Pesticide application notification registration form	5 years	Cumulative File
h. School registration records including	3 years or until audited, whichever comes later	Cumulative File

residency documentation		
i. Student portfolio work (student produced work for grading assessment)	End of year in which student received grade	May be Maintained by Individual Teachers
j. Tardy slips from parents/guardians	End of school year	Cumulative File
k. Physician's Standing orders	Permanent; revise as required. Keep old copy separately.	Health File
l. Student's emergency information card	Until superseded or student leaves school district	Cumulative/Health File
m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made on school bus (*if maintained by district)	2 weeks	N/A
o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel

E. DURATION OF EDUCATION RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.

2. Records may be maintained for longer periods of time whenever valid cause for the retention of records is shown to the custodian of records.

3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

F. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student's name, gender, or any other information contained in education records.

2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student's education record, all education records containing the student's birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner.

G. RESPONSIBILITY FOR MAINTENANCE OF EDUCATION RECORDS

1. The Director of Pupil Personnel [or Special Education] is the Custodian of Records.

2. In addition, the following personnel are designated as the guardians of records for each of the schools:

   a. Categories A, B & D: Principal at each school.

   b. Category C: Case Manager at each school.

   c. With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.

   d. With respect to child abuse and neglect investigation material, the Superintendent of Schools or designee shall be the guardian of the records.

3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.

4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the Windsor Public Schools.

5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

Regulation approved: October 3, 2016

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

Series 5000
Students

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

I. POLICY

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

II. DEFINITIONS

A. Access is defined as the right to inspect or review a student's education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.

B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs -- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.

D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the parent's name, address and/or e-mail address; the student's

© 2021 Shipman & Goodwin LLP. All rights reserved.

name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

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

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

H. Education Records

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

2. Education records do not include:

a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";

b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

© 2021 Shipman & Goodwin LLP. All rights reserved.

c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively to the student's capacity as an employee, and 3) are not made available for any other purpose;

d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;

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

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

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

[J. ***If the district maintains a law enforcement unit, the district should include this definition within the policy.***

Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.]

© 2021 Shipman & Goodwin LLP. All rights reserved.

K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

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

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

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

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

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

© 2021 Shipman & Goodwin LLP. All rights reserved.

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

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

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

IV. CONFIDENTIALITY OF EDUCATION RECORDS

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

B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.

C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access

© 2021 Shipman & Goodwin LLP. All rights reserved.

controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.

E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

V. ACCESS TO EDUCATION RECORDS

A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Article XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.

C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.

D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.

E. For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.

F. For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA;

© 2021 Shipman & Goodwin LLP. All rights reserved.

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

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

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

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

J. Non-custodial Parents:

1. Divorced Parents

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

© 2021 Shipman & Goodwin LLP. All rights reserved.

notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

2. Incarcerated Parents

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

(a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;

(b) such incarcerated parent has been convicted in Connecticut or any other state of sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or

(c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

K. Unaccompanied Youth:

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

L. Copies of Education Records/Fees:

1. The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The Board shall comply with such request as stated above.

© 2021 Shipman & Goodwin LLP. All rights reserved.

A charge will be levied for additional copies; in no case will the charge exceed **[50¢]** per page. ***[Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records].***

2. In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

   a. provide the parent or eligible student with a copy of the records requested, or

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

[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the district elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:

3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]

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

A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

   1. the name of any individual, agency, or organization that requested or obtained access to the student's records;

© 2021 Shipman & Goodwin LLP. All rights reserved.

2. the date of the request for access;

3. whether access was given;

4. the purpose for which the party was granted access to the records;

5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and

6. the legitimate educational interest in obtaining the information.

C. The record (log) requirement does not apply to requests from, or disclosure to:

1. a parent or eligible student;

2. a party seeking directory information;

3. a party who has a signed and dated written consent from the parent and/or eligible student;

4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or

5. persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:

1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and

2. the parties to whom the district disclosed the information.

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

© 2021 Shipman & Goodwin LLP. All rights reserved.

A. The school system or its designated agent(s) may not permit release of education records or any information from such records that contain personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Article VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. School Officials:

a) The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

b) A contractor, consultant, volunteer, or other party to whom the district has outsourced institutional services or functions, provided that the party:

1) performs an institutional service or function for which the district would otherwise use employees;

2) is under the direct control of the district with respect to the use and maintenance of education records; and

3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

c) The Board shall comply with the below Section I of this Article VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Section I.

© 2021 Shipman & Goodwin LLP. All rights reserved.

3. Transfer Students:

a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Article X.

b) When a student enrolls in a new public school district (including a public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.

c) Upon notification by the Department of Children and Families ("DCF") of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with Section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b above.

4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for

© 2021 Shipman & Goodwin LLP. All rights reserved.

the enforcement of or compliance with the Federal legal requirements that related to these programs. These entities may make further disclosures of personally identifiable information that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, and (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under state law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as:

   a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization,

   b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and

   c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).

8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

© 2021 Shipman & Goodwin LLP. All rights reserved.

9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.

10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with

    a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

    b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

    c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).

11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.

12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant

© 2021 Shipman & Goodwin LLP. All rights reserved.

threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Article VI.D, above.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the district under 42 U.S.C. § 14071 and applicable federal guidelines.

16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if:

    a) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and

    b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.

17. The disclosure is to an agency caseworker or other representative of the DCF or other child welfare agency or tribal organization who has the right to access a student's case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such records, except to an individual or entity engaged in addressing the student's educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

© 2021 Shipman & Goodwin LLP. All rights reserved.

D. **Directory Information**

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

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

E. **De-identified Records and Information**

© 2021 Shipman & Goodwin LLP. All rights reserved.

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

   a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;

   b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and

   c) the record code is not based on a student's social security number or other personal information.

F. **Disciplinary Records**:

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

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

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private

© 2021 Shipman & Goodwin LLP. All rights reserved.

elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

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

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

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

I. Except as set forth in Subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.

1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.

2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September 1st of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:

a. State that the contract has been executed and the date that such contract was executed;

© 2021 Shipman & Goodwin LLP. All rights reserved.

b. Provide a brief description of the contract and the purpose of the contract; and

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

3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to ***[Insert Name and Contact Information]***.

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

a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.

b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.

c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.

d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. § 10-10a; (b) enrolled in grades kindergarten to twelve,

© 2021 Shipman & Goodwin LLP. All rights reserved.

inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.

e. Student Information means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following:

1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;

2) Created or provided by an employee or agent of the Board to an operator for school purposes;

3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

1) Improve educational products for adaptive learning purposes and customize student learning;

2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and

© 2021 Shipman & Goodwin LLP. All rights reserved.

3) Develop and improve the consultant's or operator's products and services.

5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:

a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;

b. The Board can provide evidence that it has made a reasonable effort to:

1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and

2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;

c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and

d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:

1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and

2) authorizes the use of such Internet web site, online service or mobile application.

© 2021 Shipman & Goodwin LLP. All rights reserved.

e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in Subsection 5.b, above.

VIII. REDISCLOSURE OF EDUCATION RECORDS

A. The school district may disclose personally identifiable information from an education record only on the conditions that:

1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and

2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.

B. Notwithstanding the provisions of Section A above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C above, and at least one of the following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.

2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C, and such state or local educational authority or federal official or agency has complied with the requirements of 34 C.F.R. § 99.32(b)(2).

3. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C (10)).

4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.

5. The information is considered directory information.

© 2021 Shipman & Goodwin LLP. All rights reserved.

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

IX. AMENDMENT OF EDUCATION RECORDS

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:

1. Request in writing that the school district amend the records;

2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

X. HEARING RIGHTS AND PROCEDURES

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent of Schools, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate,

© 2021 Shipman & Goodwin LLP. All rights reserved.

misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.

3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.

5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

XI. WAIVER OF RIGHTS

A. A student who is an applicant for admission to an institution of post-secondary education, or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential

© 2021 Shipman & Goodwin LLP. All rights reserved.

letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.

2. The letters or statements are used only for the purpose for which they were originally intended.

3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.

4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.

B. A waiver may be revoked with respect to any actions occurring after the revocation.

C. Revocation of a waiver must be in writing.

XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

A. The following definitions shall apply to Article XII of this policy:

1. Confidential HIV-Related Information

"Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual's partners.

2. Health Care Provider

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

© 2021 Shipman & Goodwin LLP. All rights reserved.

3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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

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

© 2021 Shipman & Goodwin LLP. All rights reserved.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:

a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;

b) any person who secures a release of confidential HIV-related information;

c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;

d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;

e) a medical examiner to assist in determining cause of death; or

f) any person allowed access to such information by a court order.

D. Procedures

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

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related

© 2021 Shipman & Goodwin LLP. All rights reserved.

information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.

4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.

5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.

6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.

3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

© 2021 Shipman & Goodwin LLP. All rights reserved.

XIII. CHILD ABUSE REPORTING

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy **[reference policy number]**

XIV. RIGHT TO FILE A COMPLAINT

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

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

Legal References:

State Law:

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

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

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

© 2021 Shipman & Goodwin LLP. All rights reserved.

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

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

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

Federal Law:

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

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

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

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

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

34 C.F.R. §§ 99.1 - 99.67
34 C.F.R. § 106.45
34 C.F.R. §§ 300.560 - 300.576
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/.

ADOPTED:_____
REVISED:_____

11/23/2020
Tech. Rev. 7/6/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

Optional Addition to Confidentiality Policy: *The School District may opt for dividing Student Records into the following categories and including these classifications in the Confidentiality Policy.* ***Note:*** *The following section is not required by statute, but may be included if desired by the School District.*

ADMINISTRATIVE REGULATIONS REGARDING CLASSIFICATION OF EDUCATION RECORDS

The _____ Public Schools (the "District") will appoint a Custodian of Records who will ensure that student education records are kept as follows:

A. **CATEGORY "A" RECORDS**:

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.

2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.

3. All Category A records created by the district shall include the student's state-assigned student identifier (SASID).

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

© 2021 Shipman & Goodwin LLP. All rights reserved.

6. Category A records shall include, at a minimum, the following:

RECORD	LOCATION
a. Basic biographical information	Cumulative/Health File
b. Academic achievement (grades/transcripts)	Cumulative File
c. Date of high school graduation or equivalent	Cumulative File
d. Records of immunizations	Cumulative/Health/Pupil Personnel File
e. Attendance records (days absent/present/tardy)	Cumulative File
f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. §§ 10-233c(e), 10-233d(f))	Cumulative File

B. CATEGORY "B" RECORDS

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.

2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's education record.

3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion

© 2021 Shipman & Goodwin LLP. All rights reserved.

notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Records containing information pertaining to child abuse/neglect referrals or reports, or containing confidential HIV-related information, should be kept separate from the student's cumulative folder, in confidential files.

7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.

8. Information contained in documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential in a central location. Such records shall only be disclosed in accordance with the Board's policy regarding Confidentiality and Access to Education Records.

9. Category B records shall include the following (if applicable):

RECORD	LOCATION
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
b. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File

© 2021 Shipman & Goodwin LLP. All rights reserved.

RECORD	LOCATION
h. Suspensions/expulsions, and the Individualized Learning Plan implemented for an expelled student, which shall include the student's state-assigned student identifier (SASID)	Cumulative File*
i. Parent/eligible student's signed release forms	Cumulative/Health/Pupil Personnel File
j. Truancy Records (including record of parent conferences and referrals)	Cumulative File
k. Child Abuse/Neglect Forms	CONFIDENTIAL FILE IN CENTRAL LOCATION
l. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE
m. Awards	Cumulative File
n. Diagnostic test results (non special education)	Cumulative File/Pupil Personnel File
o. Extracurricular Activities	Cumulative File
p. Letters of Recommendation	Cumulative File
q. Parent's/Eligible Student's signed release forms (permitting disclosure of records)	Cumulative File/Health/Pupil Personnel File
r. Diploma (if not picked up by student)	Cumulative File
s. Accident Reports	Cumulative File
t. Basic school entrance health histories	Cumulative/Health File
u. Cumulative Health Record (CHR-1, original or copy)	Health File (*copy remains with district/original follows student)
v. Individualized Health Care Plans / Emergency Care Plans	Cumulative/Health/Pupil Personnel File
w. Health Assessment Records (HAR-3)	Health File

© 2021 Shipman & Goodwin LLP. All rights reserved.

RECORD	LOCATION
x. Incident Reports	Cumulative File
y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID)	Health File
z. Parent authorization for medications/treatments	Health File
aa. Physician's orders for medications treatments	Health File
bb. Referral forms for services based on results of mandated screenings	Health/Pupil Personnel File
cc. Sports histories and physical-examination reports	Health File
dd. Nursing Records (Health assessment data; Nursing process notes; 3rd party health records)	Health File
ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law	Cumulative File

C. CATEGORY "C" RECORDS – SPECIAL EDUCATION

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.

2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.

3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C shall include (where applicable):

© 2021 Shipman & Goodwin LLP. All rights reserved.

RECORD	LOCATIONS
a. PPT referral forms	Pupil Personnel File
b. School counselor case records	Cumulative/ Pupil Personnel File
c. School psychologists case records	Cumulative/Pupil Personnel File
d. School social-work case records	Cumulative/Pupil Personnel File
e. School speech/language pathology case records	Cumulative/Pupil Personnel File
f. Section 504 Records	Cumulative/Pupil Personnel File
g. Special Education assessment/evaluation reports	Pupil Personnel File
h. Due process records (including complaints, mediations, and hearings)	Pupil Personnel File
i. Individual Transition Plan	Pupil Personnel File
j. Individualized Education Program ("IEP") Records	Pupil Personnel File
k. Planning and Placement Team ("PPT") records (including notices, meetings, consent forms)	Pupil Personnel File
l. Individualized Family Service Plans ("IFSPs")	Pupil Personnel File
m. Incident Reports of Seclusion	Pupil Personnel File
n. Incident Reports of Physical Restraint	Pupil Personnel File

© 2021 Shipman & Goodwin LLP. All rights reserved.

D. CATEGORY "D" RECORDS

1. Category D records must be maintained for minimum retention period specified below.

Category "D" shall include (if applicable):

RECORD	MINIMUM RETENTION REQUIRED	LOCATION
a. Sports Contract/Student Contract (including signature sheet for student handbook)	End of school year in which signed	Cumulative File
b. Permission slips / waivers	3 years	Cumulative File
c. Free/reduced meal application and documentation	3 years	Cumulative File
d. Annual Notification to Parents (Student behavior and Discipline, Bus Conduct, Electronic Communications Systems, and the National School Lunch Program)	1 year	Cumulative File
e. Adult education Registration Records	3 years or until audited, whichever comes first	Cumulative File
f. After school program registration records	1 year	Cumulative File
g. Pesticide application notification registration form	5 years	Cumulative File
h. School registration records including residency documentation	3 years or until audited, whichever comes later	Cumulative File
i. Student portfolio work (student produced work for grading assessment)	End of year in which student received grade	May be Maintained by Individual Teachers
j. Tardy slips from parents/guardians	End of school year	Cumulative File
k. Physician's Standing orders	Permanent; revise as required. Keep old copy separately.	Health File
l. Student's emergency information card	Until superseded or student leaves school district	Cumulative/Health File
m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made	2 weeks	N/A

© 2021 Shipman & Goodwin LLP. All rights reserved.

on school bus (if maintained by district)		
o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel
p. Title IX records and documentation	7 years from date of creation	Cumulative/Other File as Designated by the Administration

E. DURATION OF EDUCATION RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.

2. Records may be maintained for longer periods of time whenever valid cause for the retention of records is shown to the custodian of records.

3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

F. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student's name, gender, or any other information contained in education records.

2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student's education record, all education records containing the student's birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner.

G. RESPONSIBILITY FOR MAINTENANCE OF EDUCATION RECORDS

1. The Director of Pupil Personnel **[or Special Education]** is the Custodian of Records.

2. In addition, the following personnel are designated as the guardians of records for each of the schools:

   a) Categories A, B & D: Principal at each school.

© 2021 Shipman & Goodwin LLP. All rights reserved.

b) Category C: Case Manager at each school.

c) With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.

d) With respect to child abuse and neglect investigation material, the Superintendent of Schools or designee shall be the guardian of the records.

e) With respect to Title IX records and documentation, the District's Title IX Coordinator shall be the guardian of the records.

3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.

4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the [_____] Public Schools.

5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

ADOPTED:_____
REVISED:_____

11/22/2020

© 2021 Shipman & Goodwin LLP. All rights reserved.

Model Notification of Rights
Under FERPA for Elementary and Secondary Institutions

[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal **[or appropriate school official]** a written request that identifies the record(s) they wish to inspect. The principal **[or appropriate school official]** will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violate the student's privacy rights.

Parents or eligible students who wish to ask the District to amend a record should write the school principal **[or appropriate school official]**, clearly identify the part of the record the parents or eligible student want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has outsourced services or

© 2021 Shipman & Goodwin LLP. All rights reserved.

functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses a student's education record without consent to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Further, and in accordance with state and federal law and guidance, the District may disclose education records to another school for enrollment purposes, which may include exploration of educational placement options by the District or educational placement decisions made by a planning and placement or Section 504 team, or in order to explore placement options for the provision of alternative educational opportunities.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

[Note: In addition, a school district may want to include a directory information public notice, as required by the regulations, 34 CFR § 99.37, with its annual notification of rights under FERPA. The following two paragraphs are recommended for inclusion and must be included in the annual notification if the school district wants to be able to disclose "Directory Information" under II.B of the Student Records Policy:]

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student, without the consent of a parent or eligible student. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended and student identification numbers for the limited purposes of displaying a

© 2021 Shipman & Goodwin LLP. All rights reserved.

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

The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one school year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one school year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

8/28/17
Tech. Rev. 7/6/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

Model Notification of Data Sharing Agreements Under Conn. Gen. Stat § 10-234bb(g)

[NOTE: This notice must be sent on or before September 1 of each school year]

Pursuant to the requirements of Conn. Gen. Stat. § 10-234bb(g), the **[Insert Board of education]** (the "Board") maintains and updates an Internet website with information relating to all contracts into which it has entered for which a contractor may gain access to student records, student information, or student-generated content (collectively, "student data"). The address of the Internet website is **[insert address].** The Internet website includes copies of these contracts, and notices regarding each contract that include (1) the date the contract was executed, (2) a brief description of the contract and the purpose of the contract and (3) what student data may be collected as a result of the contract.

© 2020 Shipman & Goodwin LLP. All rights reserved.

RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize _____[name of individual who holds the information]_____, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning _____[name of protected individual]_____, to the following personnel:

_____ 1) School Nurse

_____ 2) School Administrator(s)

a) _____

b) _____

_____ 3) Student's Teacher(s)

a) _____

b) _____

_____ 4) Paraprofessional(s)

_____ 5) Director of Pupil Personnel Services

_____ 6) Other(s)

a) _____

b) _____

This authorization shall be valid for

_____ 1) The student's stay at _____ School.

_____ 2) The current school year.

_____ 3) Other _____
specify period

I provide this information based on my responsibility to consent for the health care of _____. I understand that such information shall be held confidential by the persons

© 2020 Shipman & Goodwin LLP. All rights reserved.

authorized here to receive such information, except as otherwise provided by law.

_____
[Name]

_____
[Relationship to Student]

_____
[Date]

8/28/17

© 2020 Shipman & Goodwin LLP. All rights reserved.

TRANSFER OF CONFIDENTIAL STUDENT INFORMATION

Date: _____

Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), I hereby authorize the [_____] Public Schools to **release** and/or **obtain** (please circle) the following confidential records regarding my child for the purpose of _____:

Name of Child: _____
Address: _____
_____
_____
_____

DOB: _____

Parent(s)/Guardian(s): _____
School: _____

(Please check all that apply)

	Obtain	Release
All Records	☐	☐
Cumulative File	☐	☐
Pupil Personnel/Special Education	☐	☐
Disciplinary	☐	☐
Health/Medical*	☐	☐
Other (please specify)	☐	☐

_____

_____

_____

To/From: _____
Name

Address: _____ _____ _____
Street Town State/Zip Code

Telephone: (_____)_____ Fax: (_____)_____

I understand that the information to be disclosed is protected as an "education record" under FERPA, and that such information shall not be redisclosed unless permitted under FERPA. I further understand that the officers, employees, and agents of any party that receives protected information under FERPA may use such information only for purposes for which the disclosure is made.

_____ _____
Signature of Parent/Guardian Date

_____
Print Name of Parent/Guardian

© 2020 Shipman & Goodwin LLP. All rights reserved.

****

If this authorization is being used to obtain Protected Health Information from a child's physician or other covered entity under HIPAA, the following section must also be completed:

I, the undersigned, specifically authorize _____ to disclose my child's
Name of Physician

medical information, as specified above, to my child's school, _____,
Name of School

at the above address for the purposes described below (i.e. health assessment for school entry, special education evaluation etc.):

_____

By signing below, I agree that a photocopy of this authorization will be valid as the original. This authorization will be valid for a period of one year from the date below. I understand that I may revoke this authorization at any time by notifying the physician's office in writing, but if I do, it will not have any effect on actions taken by the Physician prior to receiving such revocation.

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may no longer be protected by federal privacy regulations.

I understand that my child's treatment or continued treatment with any health care provider or enrollment or eligibility for benefits with any health plan may not be conditioned upon whether or not I sign this authorization and that I may refuse to sign it.

Any information received by the school pursuant to this authorization is subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

****

_____ _____
Signature of Parent/Guardian Date

_____
Print Name of Parent/Guardian

8/28/17

© 2020 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy

P 5131.6 Drug and Alcohol Use by Students

Fall 2021 (Complete Re-Write)

Drug and Alcohol Use by Students (Version 13v15)[1]
We have revised this policy in light of Section 19 of June Special Session, Public Act No. 21-1, which revises Conn. Gen. Stat. § 10-221(d) to require that, on and after January 1, 2022, policies adopted in conformity with Conn. Gen. Stat. § 10-154a concerning the use, sale or possession of alcohol or controlled drugs by students on school property shall not result in a student facing greater discipline, punishment, or sanction for the use, sale or possession of cannabis than they would face for the use, sale or possession of alcohol.

[1] Prior to the 2021 revision, our most recent revision contained only technical edits. We have therefore run the redline comparison between the most recently updated version and the version that preceded the technical revision, so that the redline comparison contains all substantive and technical edits made since our last substantive revision.

[1] Prior to the 2021 revision, our most recent revision contained only technical edits. We have therefore run the redline comparison between the most recently updated version and the version that preceded the technical revision, so that the redline comparison contains all substantive and technical edits made since our last substantive revision.

Students

DRUG AND ALCOHOL USE BY STUDENTS

Policy Statement

The Board is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in C.G.S. Section 21a-240, or alcohol on or off school property or during any school sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

(1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).

(2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).

(3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).

(4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

(5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling

papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. C.G.S. Section 21a-240(20)(A).

Procedures

(1) Emergencies.

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

(2) Prescribed Medications.

Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school.

Students taking improper amounts of a prescribed medication, or otherwise taking medication contrary to the provisions of the Board's policy on the administration of medication will be subject to the procedures for improper drug or alcohol use outlined in this policy.

(3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

(a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

(b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student must be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).

(c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.

(d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.

(4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student from a source other than the student's confidential disclosure, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

(a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.

(b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was not obtained through a professional communication, the name of the student must be disclosed to the building administrator or designee.

(c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must immediately report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law must be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

(a) Any student in the Windsor Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.

(b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.

(c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with the Board's student discipline policy.

(d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.

(e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.

(f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

Public Act 18-185, An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools

Section 10-154a Sections 10-233a through 10-233f

Section 10-212a Section 21a-240

Section 10-221 Section 21a-243

Section 21a-408a through 408q

Policy adopted: October 21, 2008

Policy revised: December 18, 2018

Windsor Public Schools

Windsor, CT

SHIPMAN

Series 5000
Students

DRUG AND ALCOHOL USE BY STUDENTS

Policy Statement

The _____ Board of Education (the "Board") is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in Connecticut General Statutes Section 21a-240, or alcohol on or off school property or during any school-sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

(1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).

(2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).

(3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).

(4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a

© 2021 Shipman & Goodwin LLP. All rights reserved.

registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

(5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing any controlled substance into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, cocaine vials, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled substances. C.G.S. Section 21a-240(20)(A).

Procedures

(1) Emergencies.

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

(2) Prescribed Medications.

Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school.

Students taking improper amounts of a prescribed medication, or otherwise taking medication contrary to the provisions of the Board's policy on the administration of medication, will be subject to the procedures for improper drug or alcohol use outlined in this policy.

(3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

(a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

(b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by

© 2021 Shipman & Goodwin LLP. All rights reserved.

the student **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).

(c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.

(d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.

(4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student *from a source other than the student's confidential disclosure*, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

(a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.

(b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained through a professional communication, the name of the student must be disclosed to the building administrator or designee.

© 2021 Shipman & Goodwin LLP. All rights reserved.

(c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report such suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if the administrator or designee has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

(a) Any student in the [ ] Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy. On and after January 1, 2022, a student shall not face greater discipline, punishment or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

(b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.

(c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a

© 2021 Shipman & Goodwin LLP. All rights reserved.

controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with Conn. Gen. Stat. § 10-233d(a)(2) and the Board's student discipline policy.

(d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.

(e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.

(f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

June Special Session, Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Section 10-154a
Section 10-212a
Section 10-221
Sections 10-233a through 10-233f
Section 21a-240
Section 21a-243
Section 21a-408a through 408q

ADOPTED: _____
REVISED: _____

Rev. 10/18/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy

P 5131.62 Windsor Athletic Department Use of Tobacco, Alcohol, Drugs and Performance Enhancing Substances

Fall 2021 (Complete Re-Write)

Chemical Health for Student Athletes (New Title) (Version 5v7) [1]
We have revised this policy in light of Section 19 of June Special Session, Public Act No. 21-1, which revises Conn. Gen. Stat. § 10-221(d) to require that, on and after January 1, 2022, policies adopted in conformity with Conn. Gen. Stat. § 10-154a concerning the use, sale or possession of alcohol or controlled drugs by students on school property shall not result in a student facing greater discipline, punishment, or sanction for the use, sale or possession of cannabis than they would face for the use, sale or possession of alcohol.

[1] Prior to the 2021 revision, our most recent revision contained only technical edits. We have therefore run the redline comparison between the most recently updated version and the version that preceded the technical revision, so that the redline comparison contains all substantive and technical edits made since our last substantive revision.

Students

Windsor Athletic Department Use of Tobacco, Alcohol, Drugs and Performance Enhancing Substances

The Windsor Athletic Department believes it is important that student-athletes refrain from the use of substances that are potentially harmful to them. In accordance with CIAC participation rules and the Board's obligation under state and federal law, the Board prohibits the use, sale, distribution or possession of controlled substances or alcohol during any school sponsored athletic activity, whether occurring on or off school property. This policy applies to all student athletes participating in school sponsored athletics, whether or not such athletes are participating in CIAC controlled activities.

Participation in school sponsored athletic activities is a privilege, not a right. Therefore, during the time an athlete is a member of a team in season, he/she must adhere to this substance abuse/use policy or face the possibility of losing the right to participate in school sponsored athletics. Student-athletes may face further district or school disciplinary measures for violations under this substance abuse/use policy.

Discipline Procedure for Use of Tobacco Products (Includes smoking, chew and snuff)

First Offense - Three week Suspension

Week 1 & 2 - No team contact of any kind and a referral to the School Counseling Department for possible tobacco education

Week 3 - Practice but no games

Second Offense - Immediate dismissal from the team for the remainder of the season.

The student-athlete will be immediately dismissed from a team during another sport season for any further violation.

Dismissal from the team will result if the student-athlete fails to complete the program of assistance as established by the School Counseling Department and Pupil Services.

Discipline Procedures for Illegal Drugs and Alcohol Use

The student-athlete shall be subject to discipline, including but not limited to exclusion, suspension and/or dismissal from a team for the possession, use, sale and/or involvement with any alcohol product, controlled drugs, or drug paraphernalia.

Discipline Procedures for Performance Enhancing Substances

The student athlete shall be subject to discipline including but not limited to exclusion, suspension and/or dismissal from a team for the possession, use, sale and/or involvement with performance enhancing drugs. This includes steroids, hormone or analogue, diuretic, creatine or any product with ephedra or its derivatives.

In addition, according to Connecticut Interscholastic Athletic Conference policy, a student-athlete who has been determined to have used, in or out of season, androgenic/anabolic steroids or other performance enhancing substances shall be declared ineligible for all CIAC controlled activities for one hundred eighty (180) school days on each occurrence. The 180 school day period of ineligibility commences on the day the CIAC Board of Control makes such determination.

Performance enhancing substances and practices subject to this policy include, but are not limited to the following:

a. Anabolic Agents, Diuretics, Peptide Hormones and Analogues

b. Blood Doping

c. Substances and practices identified as banned by the NCAA and the USOC

The CIAC allows member schools to make exceptions for those student-athletes with a documented medical history demonstrating the need for regular use of substances that are banned in this policy. These identified substances shall be medically prescribed by the student-athlete's doctor for therapeutic purposes. The documentation should contain information as to the diagnosis, medical history and dosage prescribed. Student athletes taking improper amounts of a prescribed medication, or taking a prescribed medication without proper notification and supervision of the school nurse or designee will be subject to the procedures for improper drug or alcohol use outlined in this policy.

The Board recognizes that the CIAC may impose additional sanctions on student athletes participating in CIAC controlled activities who are found to have violated this policy. In addition, the student-athlete who has been determined to be in possession of and/or distributing or selling the above stated performance enhancing substances is subject to discipline, including but not limited to the exclusion, suspension and/or dismissal from a team.

Self-Referral(Note: Self-referral is not an attempt to turn in oneself after violating the Substance Abuse Policy to avoid penalty.)

An athlete or parent/guardian of an athlete who voluntarily discloses (to a school official or administrator) a need for assistance for a problem with the use of tobacco, alcohol and/or drugs prior to any violation of the Substance Abuse Policy or Board Policies shall be given the opportunity to seek assistance with no jeopardy to eligibility. The appropriate certified personnel will be notified and a program will be developed through the Student Counseling Department and Pupil Services utilizing the school's resources and outside agencies. The intent is to assist the student-athlete who has a long-term addiction or abuse problem. This self-referral exemption is available to an athlete only once during his/her high school career. If it is determined that the athlete has used this self-referral opportunity primarily to avoid a penalty under the Athletic Code, the student will be subject to the appropriate penalty listed in the Athletic Code. In no instance shall participation in a school and/or community approved assistance program excuse a student from subsequent compliance with this regulation.

Dismissal from the team will result if the student-athlete fails to complete the program of assistance as established by the School Counseling Department and Pupil Services.

Self-referral will be held in confidence if desired by the student-athlete.

The student-athlete will be immediately dismissed from the team upon the next incident of any substance abuse violation.

Other Referral

When a substance problem is identified by a team member, teacher, coach, administrator or concerned person:

1. The parent/guardian of the student-athlete in question will be notified of the reported information by the administration.

2. The student-athlete will be referred to the appropriate coach, athletic director and school administrator.

3. A due process hearing will be held by the principal or his/her designee at which:

   a. The student-athlete is informed of the charge.

   b. The student-athlete is given the opportunity to give his/her side of the story.

4. The principal or his/her designee will make a decision within a reasonable amount of time.

5. The student-athlete and parent/guardian will be notified of the decision in writing.

6. If the principal or his/her designee determines a violation exists, the student-athlete will be immediately dismissed from the team for the remainder of the current season.

7. The principal or his/her designee will refer the student-athlete to the Student Counseling Department and Pupil Services for assessment by a qualified professional, which may include the family primary care physician and/or other persons approved by the administration.

8. After assessment is completed, a planned program of assistance will be prescribed if needed. Such programs will be conducted by a qualified health care professional.

9. The student-athlete may regain eligibility for the next sport season after completing a planned assistance program, if prescribed, or whenever the administration informs the athletic office that assessment is complete and no further action is required.

10. The student-athlete who refuses to participate in the assessment or the recommended planned program of assistance (if specified) will not regain eligibility for any sport until the planned program is completed.

Policy approved: June 17, 2008

SHIPMAN

Series 5000
Students

CHEMICAL HEALTH POLICY FOR STUDENT ATHLETES

Policy Statement

The _____ Board of Education (the "Board") participates in the Connecticut Interscholastic Athletic Conference ("CIAC"). In accordance with CIAC participation rules and the Board's obligation under state and federal law, the Board prohibits the unauthorized use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol during any school-sponsored athletic activity, whether occurring on or off school property. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents by student athletes involving the possession, distribution, sale or use of substances that affect behavior, including performance-enhancing substances. This policy applies to all student athletes participating in school-sponsored athletics, whether or not such athletes are participating in CIAC controlled activities.

Definitions

(1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, 21 U.S.C. § 801 *et seq*., or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to Connecticut General Statutes Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Connecticut General Statutes Section 21a-240(8).

(2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to Connecticut General Statutes Sections 21a-243 and 21a-240(9).

(3) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,

© 2021 Shipman & Goodwin LLP. All rights reserved.

storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing any controlled substance into the human body, including but not limited to all items specified in Connecticut General Statutes Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, cocaine vials, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled substances. Connecticut General Statutes Section 21a-240(20)(A).

(4) Performance Enhancing Substances: means any anabolic steroid, hormone or analogue, diuretic or other substance designed to enhance a student's performance in athletic competition, except when used under the care and direction of a licensed medical professional and only then in the manner prescribed by the medical professional and manufacturer's recommendations.

(5) Professional Communication: means any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. Connecticut General Statutes Section 10-154a(a)(4).

(6) Professional Employee: means a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school. Connecticut General Statutes Section 10-154a(a)(2).

(7) Student Athlete: means any student participating in an extracurricular school-sponsored athletic activity, whether interscholastic or intramural, including but not limited to student athletes who are participating in CIAC controlled activities.

Procedures

(1) Discretionary Nature of Student Athletics.

The Board sponsors athletic programs as part of its extracurricular program. The opportunity to participate in extracurricular activities such as student athletics is a privilege, not a right. The Board may remove students from participation in athletics activities in its discretion.

(2) Emergencies.

If an emergency situation results from the use of drugs, performance enhancing substances or alcohol, the student athlete shall be sent to the school nurse or medical advisor immediately, or emergency medical personnel will be notified. The parent or designated responsible person will also be notified as soon as possible.

(3) Prescribed Medications.

© 2021 Shipman & Goodwin LLP. All rights reserved.

The parent or guardian of any student athlete who is required to take any prescribed medication during student athletic activities shall so inform the school nurse or the person designated to act in the absence of a nurse. Such prescribed medication will then be administered to the student athlete under the supervision of the school nurse or designee in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration, except as provided below.

Student athletes taking improper amounts of a prescribed medication, or taking a prescribed medication without proper notification and supervision of the school nurse or designee, will be subject to the procedures for improper drug or alcohol use outlined in this policy.

Student athletes with a documented medical history demonstrating the need for regular use of performance enhancing substances for therapeutic purposes shall not be considered to be in violation of this policy when such substances are properly prescribed and taken by the student athlete in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration.

Student athletes with a documented medical history demonstrating the need for regular, palliative use of marijuana shall not be considered to be in violation of this policy when such substance is properly prescribed and taken by the student athlete in accordance with Connecticut General Statutes Sections 21a-408a through 408q. Under no circumstances shall the school nurse or designee administer to the student, or permit the palliative use of marijuana by the student, on a school bus, school grounds or property, in public places or in the presence of persons under the age of eighteen.

(4) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student athlete privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

(a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student athlete. In no event, however, will they be required to do so. Connecticut General Statutes Section 10-154a(b).

© 2021 Shipman & Goodwin LLP. All rights reserved.

(b) Any physical evidence obtained from such student athlete through a professional communication indicating that a crime has been or is being committed by the student athlete **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student athlete from whom the evidence was obtained. Connecticut General Statutes Section 10-154a(b).

(c) Any professional employee who has received a professional communication from a student athlete may obtain advice and information concerning appropriate resources and refer the student athlete accordingly, subject to the rights of the professional employee as described in paragraph (a) above.

(d) If a student athlete consents to disclosure of a professional communication concerning the student athlete's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student athlete's name and problem to the school's building administrator or designee who shall refer the student athlete to appropriate school staff members for intervention and counseling.

(5) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When any school staff member, or a coach or volunteer responsible for or involved in student athletic programs, obtains information related to a student athlete ***from a source other than the student athlete's confidential disclosure***, that the student athlete, on or off school grounds or at a school-sponsored activity, is unlawfully under the influence of, or unlawfully possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia, performance enhancing substances or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

(a) The staff member, coach or volunteer will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student athlete to appropriate school staff members for intervention and counseling.

(b) Any physical evidence (for example, alcohol, drugs, drug paraphernalia or performance enhancing substances) obtained from a student athlete indicating that a crime has been or is being committed by the student athlete must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two

© 2021 Shipman & Goodwin LLP. All rights reserved.

calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(b). The name of the student athlete must be disclosed to the building administrator or designee.

(c) Search and Seizure of Students and/or Possessions: A staff member, coach or volunteer who reasonably suspects that a student athlete is violating a state/federal law, school substance abuse policy or this chemical health policy must **immediately** report such suspicion to the building administrator or designee. The building administrator or designee may then search a student athlete's person or possessions connected to that person, in accordance with the Board's policies and regulations if such employee has reasonable suspicion from the inception of the search that the student athlete has violated or is violating either the law, a school substance abuse policy, or this chemical health policy.

Any physical evidence obtained in the search of a student athlete, or a student athlete's possessions, indicating that the student athlete is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(6) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia, Performance Enhancing Substances or Alcohol.

(a) Any student athlete in the [ ] Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol, either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes Sections 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy. On and after January 1, 2022, a student shall not face greater discipline, punishment or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

(b) Student athletes found to be in violation this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.

© 2021 Shipman & Goodwin LLP. All rights reserved.

(c) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy and this chemical health policy with the student athlete and parent or guardian.

(d) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol.

(e) A student athlete found by the administration to have violated this policy may, in the discretion of school administrators, be suspended from play for short or long term periods, or may have student athletic participation privileges revoked.

(f) A student athlete found by the administration to have used performance enhancing substances shall receive a minimum penalty of revocation of athletic participation privileges for one hundred eighty (180) days. The Board shall report the violation to the CIAC.

(f) The Board recognizes that the CIAC may impose additional sanctions on student athletes participating in CIAC controlled activities who are found to have violated this policy.

(7) Prohibition on the Promotion or Dispensing of Performance Enhancing Substances by School Staff Members, Coaches or Volunteers.

(a) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall dispense any drug, medication (prescription or non-prescription), or food supplement to any student athlete except under the supervision of the school nurse or designee in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations, and in accordance with any Board policies and regulations concerning medication administration.

(b) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall encourage the use of any drug, medication (prescription or non-prescription), or food supplement in a manner not described by the manufacturer.

(c) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall supply, recommend, or knowingly permit student athletes to use any drug, medication (prescription or non-prescription), or food supplement for the specific purpose of enhancing their athletic performance.

© 2021 Shipman & Goodwin LLP. All rights reserved.

(d) A school staff member, or coach responsible for or involved in student athletic programs, who violates the terms of this policy shall be subject to discipline, up to and including termination of employment. The Board may also report violations of this policy by employees to parents of student athletes and/or state and local authorities.

(e) The Board shall immediately terminate a volunteer responsible for or involved in student athletic programs who violates the terms of this policy. The Board may also report violations of this policy by volunteers to parents of student athletes and/or state and local authorities.

(8) Publication of Chemical Health Policy to School Staff Members, Coaches, Volunteers and Student Athletes.

(a) The Board shall publish this chemical health policy to all school staff members, coaches and volunteers responsible for or involved in student athletic programs.

(b) The Board shall publish this chemical health policy to all student athletes and their parents/guardians.

Legal References:

Connecticut General Statutes:

June Special Session, Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Section 10-154a
Section 10-212a
Section 10-221
Section 21a-240
Section 21a-243
Sections 21a-408a through 408q

2021-2022 CIAC Handbook, Section 4.12.E (Chemical Health Policy and Regulations), available at https://www.casciac.org/pdfs/ciachandbook_2122.pdf

ADOPTED: _____
REVISED: _____

10/18/2021

© 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation

P/AR 5131.911 Bullying Prevention and Intervention Policy

Summer 2021 (Complete Re-Write)

Bullying and Safe School Climate

We have revised this policy to conform with Public Act No. 19-166, regarding bullying and safe school climate. The law, which passed two years ago, contained various provisions that recently went into effect. Effective July 1, 2021, the law changes the definition of "bullying" and "school climate," adds new statutory definitions, and expands on the parental notification requirements surrounding verified acts of bullying. We also revised the policy to reflect a board's statutory obligation to post the following on their websites: 1) training materials for school administrators; and 2) a plain language explanation of rights and remedies under Connecticut General Statutes 10-4a and 10-4b. The law requires that the training materials be posted after consultation with the State Department of Education and the Connecticut Social and Emotional Leaning and School Climate Advisory Collaborative. Shipman & Goodwin offers draft training materials, provided upon request, for boards to consider as they seek to comply with this requirement. The law also provides that the plain language explanation of rights and remedies will be developed and provided to boards of education by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative. Finally, we revised the policy in light of Public Act No. 21-95, which identifies additional individuals who must serve on a safe school climate committee, effective July 1, 2021.

Students

BULLYING PREVENTION AND INTERVENTION POLICY

The Windsor Board of Education is committed to creating and maintaining an educational environment that is physically, emotionally and intellectually safe and thus free from bullying, teen dating violence, harassment and discrimination. In accordance with state law and the Board's Safe School Climate Plan, the Board expressly prohibits any form of bullying behavior on school grounds; at a school-sponsored or school-related activity, function or program, whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.

The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school. Discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying is likewise prohibited.

Students who engage in bullying behavior or teen dating violence shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

For purposes of this policy, "Bullying" means the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

1) causes physical or emotional harm to such student or damage to such student's property;

2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

3) creates a hostile environment at school for such student;

4) infringes on the rights of such student at school; or

5) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical,

developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

For purposes of this policy, "Cyberbullying" means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

For purposes of this policy, "Teen Dating Violence" means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

Consistent with the requirements under state law, the Windsor Public Schools Board of Education authorizes the Superintendent or his/her designee(s), along with the Safe School Climate Coordinator, to be responsible for developing and implementing a Safe School Climate Plan in furtherance of this policy. As provided by state law, such Safe School Climate Plan shall include, but not be limited to provisions which:

(1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified annually at the beginning of each school year of the process by which students may make such reports;

(2) enable the parents or guardians of students to file written reports of suspected bullying;

(3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;

(4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section; and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against who such alleged act or acts were directed receive prompt notice that such investigation has commenced;

(5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;

(6) include a prevention and intervention strategy for school employees to deal with bullying and teen dating violence;

(7) provide for the inclusion of language in student codes of conduct concerning bullying;

(8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4), above;

(9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying;

(10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) above, to discuss specific interventions undertaken by the school to prevent further acts of bullying;

(11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;

(12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline;

(13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying;

(14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;

(15) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;

(16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;

(17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan;

(18) require that all school employees annually complete the training described in Conn. Gen. Stat. §§ 10-220a or 10-222j. related to the identification, prevention and response to bullying; and

(19) provide on the Board's website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivisions (9) and (10) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Any information provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

The Board shall submit its Safe School Climate Plan to the State Department of Education for review and approval. Not later than thirty (30) calendar days after approval by the Department, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

Legal References:

Public Act 19-166

Conn. Gen. Stat. § 10-145a

Conn. Gen. Stat. § 10-145o

Conn. Gen. Stat. § 10-220a

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222h

Conn. Gen. Stat. § 10-222j

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. §§ 10-233a through 10-233f

REVISED: 2/19/2020

REVISED: 5/19/15

REVISED: 2/12/14

REVISED: 6/18/13

REVISED: 1/24/12

Windsor Public Schools

Windsor, CT

AR5131.911

Students

SAFE SCHOOL CLIMATE PLAN

The Board is committed to creating and maintaining a physically, emotionally, and intellectually safe educational environment free from bullying, teen dating violence, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board Policy. This Plan represents a comprehensive approach to addressing bullying, cyberbullying and teen dating violence and sets forth the Board's expectations for creating a positive school climate and thus preventing, intervening, and responding to incidents of bullying and teen dating violence.

Bullying behavior and teen dating violence are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior and teen dating violence, however, involves a multi-faceted approach, which includes education and the promotion of a positive school climate in which bullying will not be tolerated by students or school staff.

I. Prohibition Against Bullying and Retaliation

A. The Board expressly prohibits any form of bullying behavior and teen dating violence on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.

B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;

C. The Board further prohibits any form of teen dating violence outside of the school setting if such violence substantially disrupts the educational process;

D. In addition to prohibiting student acts that constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.

E. Students who engage in bullying behavior or teen dating violence in violation of Board Policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

II. Definition of Bullying

A. "Bullying" means the repeated use by one or more students of a written, oral, or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

(1) causes physical or emotional harm to such student or damage to such student's property;

(2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

(3) creates a hostile environment at school for such student;

(4) infringes on the rights of such student at school; or

(5) substantially disrupts the education process or the orderly operation of a school.

B. Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

III. Other Definitions

A. "Cyberbullying" means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

B. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;

C. "Hostile environment" means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;

D. "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;

E. "Outside of the school setting" means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;

F. "Prevention and intervention strategy" may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education,

(2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,

(3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur,

(4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,

(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,

(6) school-wide training related to safe school climate,

(7) student peer training, education and support,

(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and

(9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

G. "School climate" means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

H. "School employee" means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (2) 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 local or regional board of education.

I. "School-Sponsored Activity" shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board of Education.

J. "Teen dating violence" means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

IV. Leadership and Administrative Responsibilities

A. Safe School Climate Coordinator

The Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The Coordinator shall:

(1) be responsible for implementing the district's Safe School Climate Plan ("Plan");

(2) collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;

(3) provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying; and

(4) meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district's Plan.

B. Safe School Climate Specialist

The Principal of each school (or principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying, collect and maintain records of reports and investigations of bullying in the school and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

V. Development and Review of Safe School Climate Plan

A. The Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent/guardian of a student enrolled in the school, as appointed by the school principal.

B. The Committee shall:

(1) receive copies of completed reports following bullying investigations;

(2) identify and address patterns of bullying among students in the school;

(3) implement the provisions of the school security and safety plan, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying,

(4) review and amend school policies relating to bullying;

(5) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school;

(6) educate students, school employees and parents/guardians on issues relating to bullying;

(7) collaborate with the Coordinator in the collection of data regarding bullying; and

(8) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.

C. Any parent/guardian serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.

D. The Board of Education shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

VI. Procedures for Reporting and Investigating Complaints of Bullying

A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (i.e. building principal or his/her designee), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.

B. Students may make anonymous reports of bullying to any school employee. Students may also request anonymity when making a report, even if the student's identity is known to the school employee. In cases where a student requests anonymity, the Safe School Climate Specialist or his/her designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may have on the investigation and on any possible remedial action. All anonymous reports shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the report, and is consistent with the due process rights of the

student(s) alleged to have committed acts of bullying. No disciplinary action shall be taken solely on the basis of an anonymous report.

C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist or another school administrator if the Safe School Climate Specialist is unavailable, not later than one (1) school day after such school employee witnesses or receives a report of bullying. The school employee shall then file a written report not later than two (2) school days after making such oral report.

D. The Safe School Climate Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. The Safe School Climate Specialist shall also be responsible for promptly notifying the parents or guardians of the student alleged to have committed an act or acts of bullying, and the parents or guardians of the student against whom such alleged act or acts were directed, that an investigation has commenced. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.

E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

VII. Responding to Verified Acts of Bullying

A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight (48) hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying. In providing such notification, however, Windsor Public Schools will take care to respect the statutory privacy rights of other students, including the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.

B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall also invite the parents or guardians of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and policies and procedures in place to prevent further acts of bullying. The Safe School Climate Specialist or designee shall also invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the previously described meeting, to discuss specific interventions undertaken by the school to prevent further acts of bullying. The invitation may be made simultaneous with the notification described above in Section VII.A.

C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.

D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee, and may also incorporate a student safety support plan, as appropriate.

E. Notice to Law Enforcement

If the Principal of a school (or his/her designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or his/her designee, may consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

F. If a bullying complaint raises a concern about discrimination or harassment on the basis of a legally protected classification (such as race, religion, color, national origin, sex, sexual orientation, age, disability or gender identity or expression), the Safe School Climate Specialist or designee shall also coordinate any bullying investigation with other appropriate personnel within the district as appropriate (e.g. Title IX Coordinator, Section 504 Coordinator, etc.), so as to ensure that any such bullying investigation complies with the requirements of such policies regarding nondiscrimination.

VIII. Teen Dating Violence

A. The school strictly prohibits and takes very seriously any instances of teen dating violence as defined above. The school recognizes that teen dating violence may take many different forms and may also be considered bullying and/or sexual harassment.

B. Students and parents (or guardians of students) may bring verbal or written complaints regarding teen dating violence to any building administrator. The building administrator shall review and address the complaint, which may include referral of the complaint to the Safe School Climate Specialist and/or Title IX Coordinator.

C. Prevention and intervention strategies concerning teen dating violence shall be implemented in accordance with Section X below. Discipline, up to and including expulsion, may be imposed against the perpetrator of teen dating violence, whether such conduct occurs on or off campus, in accordance with Board policy and consistent with federal and state law.

IX. Documentation and Maintenance of Log

A. Each school shall maintain written reports of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent

with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.

B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Consistent with district obligations under state and federal law regarding student privacy, the log shall not contain any personally identifiable student information, or any information that alone or in combination would allow a reasonable person in the school community to identify the students involved. Accordingly, the log should be limited to basic information such as the number of verified acts, name of school and/or grade level and relevant date. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year shall be tallied as one verified act of bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited to any personally identifiable student information, which is confidential information by law.

C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

X. Other Prevention and Intervention Strategies

A. Bullying behavior and teen dating violence can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying or to teen dating violence. While conduct that rises to the level of "bullying" or "teen dating violence," as defined above, will generally warrant traditional disciplinary action against the perpetrator of such bullying or teen dating violence, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint of bullying. As discussed below, schools may also consider appropriate alternatives to traditional disciplinary sanctions, including age-appropriate consequences and other restorative or remedial interventions.

B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as counseling, discipline, and other appropriate remedial or restorative actions as determined by the responsible administrator.

C. The following sets forth possible interventions which may also be utilized to enforce the Board's prohibition against bullying and teen dating violence:

(1) Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

If a complaint arises out of conflict between students or groups of students, peer or other forms of mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

When an act or acts of teen dating violence are identified, the students involved may be counseled as to the seriousness of the conduct, the prohibition of teen dating violence, and their duty to avoid any such conduct. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

(2) Disciplinary interventions

When acts of bullying are verified or teen dating violence occurs, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints of bullying, however, shall not be the basis for disciplinary action.

In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and teen dating violence, and/or when past interventions have not been successful in eliminating bullying behavior.

(3) Interventions for bullied students and victims of teen dating violence

The building principal (or other responsible program administrator) or his/her designee shall intervene in order to address incidents of bullying or teen dating violence against a single individual. Intervention strategies for a bullied student or victim of teen dating violence may include the following:

(a) Referral to a school counselor, psychologist or other appropriate social or mental health service;

(b) Increased supervision and monitoring of student to observe and intervene in bullying situations or instances of teen dating violence;

(c) Encouragement of student to seek help when victimized or witnessing victimization;

(d) Peer mediation or other forms of mediation, where appropriate;

(e) Student Safety Support plan;

(f) Restitution and/or restorative interventions; and

(g) Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the bullied student or victim of teen dating violence.

(4) General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. Additional district actions may also ameliorate potential problems with teen dating violence. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school. Such prevention and intervention strategies may include, but are not limited to:

(a) School rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;

(b) Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence are likely to occur;

(c) Inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;

(d) Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;

(e) School-wide training related to safe school climate, which training may include Title IX sex discrimination/sexual harassment prevention training, Section 504/ADA training, cultural diversity/multicultural education or other training in

federal and state civil rights legislation or other topics relevant to safe school climate;

(f) Student peer training, education and support;

(g) Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;

(h) Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence, including any such pro gram identified by the Department of Education;

(i) Respectful responses to bullying and teen dating violence concerns raised by students, parents or staff;

(j) Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying and teen dating violence, with a focus in evidence based practices concerning same;

(k) Use of peers to help ameliorate the plight of victims and include them in group activities;

(l) Avoidance of sex-role stereotyping;

(m) Continuing awareness and involvement on the part of school employees and parents with regards to prevention and intervention strategies;

(n) Modeling by teachers of positive, respectful, and supportive behavior toward students;

(o) Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;

(p) Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and

(q) Culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe mean-spirited student conduct, even if such conduct does not meet the formal definition of "bullying."

XI. Improving School Climate

[Individual schools should use this section to outline affirmative steps to improve the quality of school climate as defined within a particular school and/or district. These strategies should align

with school improvement plans and school climate assessments, and be based on current data available on the quality of school climate within the school and/or district including, but not limited to, the type, nature, frequency etc. of behavior that may constitute or lead to bullying, teen dating violence, harassment or similar behavior. This section is intended to be broader in scope and should be targeted towards fostering positive school climate rather than exclusively preventing, investigating and otherwise responding to specific incidences of bullying and teen dating violence.]

XII. Annual Notice and Training

A. Students, and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.

B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.

C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.

D. The Board shall also provide on its website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.

E. Any person appointed by the district to serve as district safe school climate coordinator shall complete mental health and first aid training offered by the Commissioner of Mental Health and Addiction Services.

XIII. School Climate Assessments

Biennially, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Connecticut State Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Connecticut State Department of Education.

Legal References:

Public Act 19-166

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8, Series 2008-2009 (March 16, 2009)

Connecticut State Department of Education Circular Letter C-3, Series 2011-2012 (September 12, 2011)

Connecticut State Department of Education Circular Letter C-2, Series 2014-2015 (July 14, 2014)

Connecticut State Department of Education Circular Letter C-1, Series 2018-2019 (July 12, 2018)

Connecticut State Department of Education Circular Letter C-1, Series 2019-2020 (July 16, 2019)

Regulation Approved: February 19, 2020

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

[Please note: The State DOE strongly encourages districts to have safe school climate plans that are specifically tailored to meet individual school/district needs, in addition to the legislative requirements. For that reason, we encourage districts to utilize Section XI of the model Safe School Climate Plan to highlight the district and school specific initiatives in your district].

Series 5000
Students

BULLYING PREVENTION AND INTERVENTION POLICY

The [ ] Board of Education (the "Board") is committed to creating and maintaining an educational environment that is physically, emotionally and intellectually safe and thus free from bullying, teen dating violence, harassment and discrimination. In accordance with state law and the Board's Safe School Climate Plan, the Board expressly prohibits any form of bullying behavior on school grounds; at a school-sponsored or school-related activity, function or program, whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by the Board.

The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school. Discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying is likewise prohibited.

Students who engage in bullying behavior or teen dating violence shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

For purposes of this policy, **"Bullying"** means an act that is direct or indirect and severe, persistent or pervasive, which:

(1) causes physical or emotional harm to an individual;

(2) places an individual in reasonable fear of physical or emotional harm; or

(3) infringes on the rights or opportunities of an individual at school.

Bullying shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation,

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

For purposes of this policy, **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

For purposes of this policy, **"Teen Dating Violence"** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

Consistent with the requirements under state law, the Board authorizes the Superintendent or designee(s), along with the Safe School Climate Coordinator, to be responsible for developing and implementing a Safe School Climate Plan in furtherance of this policy. As provided by state law, such Safe School Climate Plan shall include, but not be limited to provisions which:

(1) enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports;

(2) enable the parents or guardians of students to file written reports of suspected bullying;

(3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;

(4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced;

(5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(6) include a prevention and intervention strategy for school employees to deal with bullying and teen dating violence;

(7) provide for the inclusion of language in student codes of conduct concerning bullying;

(8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4), above (A) of the results of such investigation, and (B) verbally or by electronic mail, if such parents' or guardians' electronic mail addresses are known, that such parents or guardians may refer to the plain language explanation of the rights and remedies available under Conn. Gen. Stat. Section 10-4a and 10-4b published on the Internet website of the Board;

(9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying;

(10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) above, to discuss specific interventions undertaken by the school to prevent further acts of bullying;

(11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;

(12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline;

(13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying;

(14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(15) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;

(16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the Board, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;

(17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan; and

(18) require that all school employees annually complete the training described in Conn. Gen. Stat. §§ 10-220a or 10-222j related to the identification, prevention and response to bullying.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivisions (9) and (10) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Any information provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

The Board shall submit its Safe School Climate Plan to the State Department of Education for review and approval. Not later than thirty (30) calendar days after approval by the Department, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

As required by state law, the Board, after consultation with the Connecticut Department of Education and the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative, shall provide on the Board's website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

As required by state law, the Board shall post on its website the plain language explanation of rights and remedies under Connecticut General Statutes §§ 10-4a and 10-4b, as developed and provided to the Board by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative.

Legal References:

Public Act 19-166

Public Act 21-95

Conn. Gen. Stat. § 10-145a

Conn. Gen. Stat. § 10-145o

Conn. Gen. Stat. § 10-220a

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222h

Conn. Gen. Stat. § 10-222j

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. § 10-222q

Conn. Gen. Stat. § 10-222r

Conn. Gen. Stat. §§ 10-233a through 10-233f

7/31/2021

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

Series 5000
Students

SAFE SCHOOL CLIMATE PLAN

The [ ] Board of Education (the "Board") is committed to creating and maintaining a physically, emotionally, and intellectually safe educational environment free from bullying, teen dating violence, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board policy. This Plan represents a comprehensive approach to addressing bullying, cyberbullying and teen dating violence and sets forth the Board's expectations for creating a positive school climate and thus preventing, intervening, and responding to incidents of bullying and teen dating violence.

Bullying behavior and teen dating violence are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior and teen dating violence, however, involves a multi-faceted approach, which includes education and the promotion of a positive school climate in which bullying will not be tolerated by students or school staff.

I. Prohibition Against Bullying, Teen Dating Violence and Retaliation

A. The Board expressly prohibits any form of bullying behavior and teen dating violence on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by the Board.

B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school.

C. The Board further prohibits any form of teen dating violence outside of the school setting if such violence substantially disrupts the educational process.

D. In addition to prohibiting student acts that constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

E. Students who engage in bullying behavior or teen dating violence in violation of Board policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

II. Definition of Bullying

A. **"Bullying"** means an act that is direct or indirect and severe, persistent or pervasive, which:

(1) causes physical or emotional harm to an individual;

(2) places an individual in reasonable fear of physical or emotional harm; or

(3) infringes on the rights or opportunities of an individual at school.

B. Bullying shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

III. Other Definitions

A. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

B. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system.

C. **"Emotional intelligence"** means the ability to (1) perceive, recognize and understand emotions in oneself or others, (2) use emotions to facilitate cognitive activities, including, but not limited to, reasoning, problem solving and interpersonal communications, (3) understand and identify emotions, and (4) manage emotions in oneself and others.

D. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate.

E. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

F. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by the Board.

G. **"Positive school climate"** means a school climate in which (1) the norms, values, expectations and beliefs that support feelings of social, emotional and physical safety are promoted, (2) students, parents, and guardians of students and school employees feel engaged and respected and work together to develop and contribute to a shared school vision, (3) educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning, and (4) each person feels comfortable contributing to the operation of the school and care of the physical environment of the school.

H. **"Prevention and intervention strategy"** may include, but is not limited to,

(1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education,

(2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,

(3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur,

(4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,

(5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,

(6) school-wide training related to safe school climate,

(7) student peer training, education and support,

(8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

I. **"School climate"** means the quality and character of school life based on patterns of students', parents' and guardians' and school employees' experiences of school life, including but not limited to, norms, goals, values, interpersonal relationships, teaching and learning practices and organizational structures.

J. **"School employee"** means

(1) 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

(2) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

K. **"School-Sponsored Activity"** shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board.

L. **"Social and emotional learning"** means the process through which children and adults achieve emotional intelligence through the competencies of self-awareness, self-management, social awareness, relationship skills and responsible decision-making.

M. **"Teen dating violence"** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

IV. Leadership and Administrative Responsibilities

A. Safe School Climate Coordinator

The Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The Coordinator shall:

(1) be responsible for implementing the district's Safe School Climate Plan ("Plan");

(2) collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(3) provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying; and

(4) meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district's Plan.

B. Safe School Climate Specialist

The Principal of each school (or principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying, collect and maintain records of reports and investigations of bullying in the school and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

V. Development and Review of Safe School Climate Plan

A. The Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include:

(1) at least one parent/guardian of a student enrolled in the school, as appointed by the school principal;

(2) school personnel, including, but not limited to, at least one teacher selected by the exclusive bargaining representative for certified employees;

(3) medical and mental health personnel assigned to such school; and

(4) in the case of a committee for a high school, at least one student enrolled at such high school who is selected by the students of such school in a manner determined by the school principal.

B. The Committee shall:

(1) receive copies of completed reports following bullying investigations;

(2) identify and address patterns of bullying among students in the school;

(3) implement the provisions of the school security and safety plan, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying,

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(4) review and amend school policies relating to bullying;

(5) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school;

(6) educate students, school employees and parents/guardians on issues relating to bullying;

(7) collaborate with the Coordinator in the collection of data regarding bullying; and

(8) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.

C. Any parent/guardian or student serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to, receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.

D. The Board shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

VI. Procedures for Reporting and Investigating Complaints of Bullying

A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (*i.e.,* building principal or designee), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.

B. Students may make anonymous reports of bullying to any school employee. Students may also request anonymity when making a report, even if the student's identity is known to the school employee. In cases where a student requests anonymity, the Safe School Climate Specialist or designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

have on the investigation and on any possible remedial action. All anonymous reports shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the report, and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying. No disciplinary action shall be taken solely on the basis of an anonymous report.

C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist, or another school administrator if the Safe School Climate Specialist is unavailable, not later than one (1) school day after such school employee witnesses or receives a report of bullying. The school employee shall then file a written report not later than two (2) school days after making such oral report.

D. The Safe School Climate Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. The Safe School Climate Specialist shall also be responsible for promptly notifying the parents or guardians of the student alleged to have committed an act or acts of bullying, and the parents or guardians of the student against whom such alleged act or acts were directed, that an investigation has commenced. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.

E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

VII. Responding to Verified Acts of Bullying

A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight (48) hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying; the results of such investigation; and verbally or by electronic mail, if such parents' or guardians' electronic mail addresses are known, that such parents of guardians may refer to the plain language explanation of the rights and remedies available under Conn. Gen. Stat. Sections 10-4a and 10-4b once such explanation has been provided to

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

the Board by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative and published on the Internet website of the Board. In providing such notification, however, [_____] Public Schools will take care to respect the statutory privacy rights of other students, including the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.

B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall invite the parents or guardians of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and policies and procedures in place to prevent further acts of bullying. The Safe School Climate Specialist or designee shall also invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the previously described meeting, to discuss specific interventions undertaken by the school to prevent further acts of bullying. The invitations may be made simultaneous with the notification described above in Section VII.A.

C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.

D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee and may also incorporate a student safety support plan, as appropriate.

E. Notice to Law Enforcement

If the Principal of a school (or designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or designee, may consult with the school resource officer, if any, and other individuals the Principal or designee deems appropriate.

F. If a bullying complaint raises a concern about discrimination or harassment on the basis of a legally protected classification (such as race, religion, color, national origin, sex, sexual orientation, age, disability or gender identity or expression), the Safe School Climate Specialist or designee shall also coordinate any bullying investigation with other appropriate personnel within the district as appropriate

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(e.g. Title IX Coordinator, Section 504 Coordinator, etc.), so as to ensure that any such bullying investigation complies with the requirements of such policies regarding nondiscrimination.

VIII. Teen Dating Violence

A. The school strictly prohibits, and takes very seriously any instances of, teen dating violence, as defined above. The school recognizes that teen dating violence may take many different forms and may also be considered bullying and/or sexual harassment.

B. Students and parents (or guardians of students) may bring verbal or written complaints regarding teen dating violence to any building administrator. The building administrator shall review and address the complaint, which may include referral of the complaint to the Safe School Climate Specialist and/or Title IX Coordinator.

C. Prevention and intervention strategies concerning teen dating violence shall be implemented in accordance with Section X below. Discipline, up to and including expulsion, may be imposed against the perpetrator of teen dating violence, whether such conduct occurs on or off campus, in accordance with Board policy and consistent with federal and state law.

IX. Documentation and Maintenance of Log

A. Each school shall maintain written reports of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.

B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Consistent with district obligations under state and federal law regarding student privacy, the log shall not contain any personally identifiable student information or any information that alone or in combination would allow a reasonable person in the school community to identify the students involved. Accordingly, the log should be limited to basic information such as the number of verified acts, name of school and/or grade level and relevant date. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year shall be tallied as one verified act of bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited, to any personally identifiable student information, which is confidential information by law.

C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

X. Other Prevention and Intervention Strategies

A. Bullying behavior and teen dating violence can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying or to teen dating violence. While conduct that rises to the level of "bullying" or "teen dating violence," as defined above, will generally warrant traditional disciplinary action against the perpetrator of such bullying or teen dating violence, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or designee). No disciplinary action may be taken solely on the basis of an anonymous complaint of bullying. As discussed below, schools may also consider appropriate alternatives to traditional disciplinary sanctions, including age-appropriate consequences and other restorative or remedial interventions.

B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as counseling, discipline, and other appropriate remedial or restorative actions as determined by the responsible administrator.

C. The following sets forth possible interventions, which may also be utilized to enforce the Board's prohibition against bullying and teen dating violence:

(1) Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

If a complaint arises out of conflict between students or groups of students, peer or other forms of mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

When an act or acts of teen dating violence are identified, the students involved may be counseled as to the seriousness of the conduct, the prohibition of teen dating violence, and their duty to avoid any such conduct. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

(2) Disciplinary interventions

When acts of bullying are verified or teen dating violence occurs, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints of bullying, however, shall not be the basis for disciplinary action.

In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and teen dating violence, and/or when past interventions have not been successful in eliminating bullying behavior.

(3) Interventions for bullied students and victims of teen dating violence

The building principal (or other responsible program administrator) or designee shall intervene in order to address incidents of bullying or teen dating violence against a single individual. Intervention strategies for a bullied student or victim of teen dating violence may include the following:

(a) Referral to a school counselor, psychologist or other appropriate social or mental health service;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(b) Increased supervision and monitoring of student to observe and intervene in bullying situations or instances of teen dating violence;

(c) Encouragement of student to seek help when victimized or witnessing victimization;

(d) Peer mediation or other forms of mediation, where appropriate;

(e) Student Safety Support plan;

(f) Restitution and/or restorative interventions; and

(g) Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the bullied student or victim of teen dating violence.

(4) General prevention and intervention strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. Additional district actions may also ameliorate potential problems with teen dating violence. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school. Such prevention and intervention strategies may include, but are not limited to:

(a) School rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;

(b) Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence are likely to occur;

(c) Inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(d) Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;

(e) School-wide training related to safe school climate, which training may include Title IX sex discrimination/sexual harassment prevention training, Section 504/ADA training, cultural diversity/multicultural education or other training in federal and state civil rights legislation or other topics relevant to safe school climate;

(f) Student peer training, education and support;

(g) Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;

(h) Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for a safe school climate or for the prevention of bullying and teen dating violence, including any such program identified by the Department of Education;

(i) Respectful responses to bullying and teen dating violence concerns raised by students, parents or staff;

(j) Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying and teen dating violence, with a focus on evidence based practices concerning same;

(k) Use of peers to help ameliorate the plight of victims and include them in group activities;

(l) Avoidance of sex-role stereotyping;

(m) Continuing awareness and involvement on the part of school employees and parents with regards to prevention and intervention strategies;

(n) Modeling by teachers of positive, respectful, and supportive behavior toward students;

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

(o) Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;

(p) Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and

(q) Culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe mean-spirited student conduct, even if such conduct does not meet the formal definition of "bullying."

E. Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

XI. Improving School Climate

[Individual schools should use this section to outline affirmative steps to improve the quality of school climate as defined within a particular school and/or district. These strategies should align with school improvement plans and school climate assessments, and be based on current data available on the quality of school climate within the school and/or district including, but not limited to, the type, nature, frequency etc. of behavior that may constitute or lead to bullying, teen dating violence, harassment or similar behavior. This section is intended to be broader in scope and should be targeted towards fostering positive school climate rather than exclusively preventing, investigating and otherwise responding to specific incidences of bullying and teen dating violence.]

XII. Annual Notice and Training

A. Students, and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.

B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.

C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

D. As required by state law, the Board, after consultation with the Department of Education and the Social and Emotional Learning and School Climate Advisory Collaborative, shall also provide on its website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.

E. Any person appointed by the district to serve as district safe school climate coordinator shall complete mental health and first aid training offered by the Commissioner of Mental Health and Addiction Services.

XIII. School Climate Assessments

Biennially, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Connecticut State Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Connecticut State Department of Education.

Legal References:

Public Act 19-166

Public Act 21-95

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222h

Conn. Gen. Stat. § 10-222j

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. § 10-222q

Conn. Gen. Stat. § 10-222r

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8, Series 2008-2009 (March 16, 2009)

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

Connecticut State Department of Education Circular Letter C-3, Series 2011-2012 (September 12, 2011)

Connecticut State Department of Education Circular Letter C-2, Series 2014-2015 (July 14, 2014)

Connecticut State Department of Education Circular Letter C-1, Series 2018-2019 (July 12, 2018)

Connecticut State Department of Education Circular Letter C-1, Series 2019-2020 (July 16, 2019)

7/31/2021

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

[SAMPLE FORM A]

REPORT OF SUSPECTED BULLYING BEHAVIORS OR TEEN DATING VIOLENCE
(School Employees Should File with the School Principal)
(Parents and Students May File with the School Principal or Any Other School Employee)

Name of Person Completing Report: _____

Date: _____

Target(s) of Behaviors/Violence:

_____

Relationship of Reporter to Target (self, parent, teacher, peer, etc.):

_____

_____

Report Filed Against: _____

Date of Incident(s): _____

Location(s): _____ Time: _____

Describe the basis for your report. Include information about the incident, participants, background to the incident, and any attempts you have made to resolve the problem. Please note relevant dates, times and places.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

Indicate if there are witnesses who can provide more information regarding your report. If the witnesses are not school district staff or students, please provide contact information.

Name Address Telephone Number

_____

_____

_____

_____

_____

Have there been previous incidents? (circle one) Yes No

If "yes", please describe the behavior of concern, or the violence that occurred; include the approximate date(s) and the location(s):

_____

_____

_____

_____

Were these incidents reported to school employees? (circle one) Yes No

If "Yes", to whom was it reported and when?

_____

Was the report verbal or written?

_____

Proposed Solution:

Indicate your opinion on how this problem might be resolved in the school setting. Be as specific as possible.

_____

_____

_____

_____

I certify that the above information and events are accurately depicted to the best of my knowledge.

_____

Signature of Reporter Date Submitted Received By Date Received

6/26/16

320664v39 © 2020 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

[SAMPLE FORM B]

INTERNAL INVESTIGATION NOTES FOR REPORTS OF BULLYING BEHAVIORS

For Staff Use Only:

Has student reporter requested anonymity? Y N

Does the school have parent/guardian consent to disclose that a complaint as to this student has been filed in connection with the investigation? Y N

Administrative Investigation Notes (use separate sheet if necessary):

Bullying Verified? Yes ___ No ____

Remedial Action(s) Taken:

(Attach bullying complaint and witness statements. If bullying is verified, attach notification to parents of students involved, invitation to parent meetings, and records of parent meetings).

6/26/16

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

[SAMPLE FORM C]

[_____] PUBLIC SCHOOLS
REPORT OF BULLYING FORM/INVESTIGATION SUMMARY

For Staff Use Only: _____

School _____ **Date** _____

Location(s) _____

Reporter Information:

Anonymous student report _____

Staff Member report _____ Name _____

Parent/Guardian report_____ Name _____

Student report _____ Name _____

Student Reported as Committing Act: _____

Student Reported as Victim: _____

Description of Alleged Act(s): _____

_____

Time and Place:_____

Names of Potential Witnesses: _____

_____

Action of Reporter: _____

Administrative Investigation Notes (use separate sheet if necessary):

_____

_____

_____

_____

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

_____

Bullying Verified? Yes ___ No ____

Remedial Action(s) Taken:_____
_____
_____
_____
_____

If Bullying Verified, Has Notification Been Made to Parents of Students Involved?

Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent: _____

If Bullying Verified, Have Invitations to Meetings Been Sent to Parents of Students Involved?

Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent:_____
Parents' Names: _____ Date Sent: _____

Date of Meetings:

_____
_____

If Bullying Verified, Has School Developed Student Safety Support/Intervention Plan?

Y N

(Attach bullying complaint and witness statements. If bullying is verified, attach: 1) notification to parents of students involved that includes a description of the school's response to the acts of bullying, the results of the investigation, and via e-mail if e-mail addresses are known, a statement that the parents may refer to the plain language explanation of rights and remedies available under Conn. Gen. Stat. §§ 10-4a and 10-4b once such explanation has been provided to the Board by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative and published on the District's website; 2) invitations to parent meetings; and 3) and records of parent meetings).
5/20/21

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

[SAMPLE FORM D]

[_____] Public Schools
Report of Bullying/Consent to Release Student Information

Date: _____

Name of Student: _____

School: _____

To Parent/Guardian:

A report of bullying has been made on behalf of your child alleging that he/she has been the victim of bullying. In order to facilitate a prompt and thorough investigation of the report, the [_____] Public Schools may wish to disclose the fact that this complaint has been filed in connection with investigation.

(Please check one):

_____ I hereby give permission for the [_____] Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its investigation of that complaint.

_____ I do **NOT** give permission for the [_____] Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its investigation of that complaint.

_____
Signature of Parent/Guardian Date

_____
Name (Please print)

6/26/16

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

[SAMPLE FORM E]

[_____] Public Schools
Report of Teen Dating Violence/Consent to Release Student Information

Date: _____

Name of Student: _____

School: _____

To Parent/Guardian:

A report of teen dating violence has been made on behalf of your child alleging that he/she has been the victim of teen dating violence. In order to facilitate a prompt and thorough review of the report, the [_____] Public Schools may wish to disclose the fact that this complaint has been filed in connection with its review.

(Please check one):

_____ I hereby give permission for the [_____] Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its review of that complaint.

_____ I do **NOT** give permission for the [_____] Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its review of that complaint.

_____
Signature of Parent/Guardian Date

_____
Name (Please print)

6/26/16

320664v39 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation

P/AR 5141.3 Health Assessments and Immunization

Administrative Regulations Regarding Health Assessments/Screenings and Oral Health Assessments (New Title)

December 2020 (Complete Re-Write)

We revised these administrative regulations to align more closely with the statutory language concerning physical examinations.

Summer 2021 (Complete Re-Write)

We have revised this policy to conform with Public Act No. 21-95, regarding the implementation of vision screenings, and Public Act No. 21-121, regarding the reporting requirements for children with a diagnosis of asthma. Under the new law, districts must report, on a triennial basis, the total number of children having a diagnosis of asthma at the time of enrollment, in grade six or seven, and in grade nine or ten (rather than grade ten or eleven, as previously required). **Note:** if the district altered its health assessment requirements for the 2020-2021 school year in light of the COVID-19 public health emergency, and it reverts back to its usual timeline for assessment requirements, the district should ensure that it has health assessments on file for each student in accordance with existing state law.

Students

Health Assessment

Health Assessments and Immunizations

The Board of Education recognizes the importance of periodic health assessments according to state health regulations.

To determine the health status of students, and to adapt the school program to students' medical needs, the Board of Education requires that students have health assessments.

The Board of Education adheres to those state laws and regulations that pertain to school immunizations and to ensure that all enrolled students are adequately immunized against communicable diseases. The Board may deny continued attendance in school to any student who fails to obtain the health assessment under C.G.S. 10-206, as may be periodically amended.

Parents wishing their children exempted or excused from health assessments must request such exemption to the Superintendent of Schools in writing, and must be signed by the parent/guardian.

The school nurse shall contact parents or guardians to make them aware if immunizations and/or health assessments are insufficient or not up-to-date. The school nurse will maintain in good order, the immunization and health assessment records of each student enrolled.

As required, the District will annually report to the Department of Public Health and to the local Health Director the asthma data, pertaining to the total number of students Pre School and for the district, obtained through the required asthma assessments, including student demographics. Required asthma diagnosis shall occur at the time of mandated health assessment at the time of enrollment, in grade six, and in grade ten. Such asthma diagnosis shall be reported whether or not it is recorded on school surveys conducted by the Department of Public Health pertaining to asthma.

(cf. 5111 – Admission)

(cf. 5141.31 – Physical Examinations for School Programs)

(cf. 5125 – Student Records)

(cf. 5135.11 – Health/Medical Records – HIPAA)

(cf. 5141 – Student Health Services)

Legal Reference: Connecticut General Statutes

10-204 Vaccination.

10-204a Required immunizations.

10-204c Immunity from liability.

10-205 Appointment of school medical advisor.

10-206 Health assessments (as amended by June Special Session PA 01-1, PA 05-272 and PA 07-58).

10-207 Duties of medical advisors.

10-206a Free health assessments.

10-208 – Exemption from examination or treatment.

10-208a Physical activity of student restricted; board to honor notice.

10-209 Records not to be public. Provision of reports to school.

10-212 School nurses.

10-214 Vision, audiometric and postural screenings. When required. Notification of parents re defects; record of results.

20 U.S.C. Section 1232h, No Child Left Behind Act.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.

42 U.S.C. 1320d-8 P.O. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Policy approved: May 19, 2009

AR5141.3

Students

HEALTH ASSESSMENT

A. Prior to enrollment in the Windsor Public Schools each student, and for each student enrolled in grade six or seven, and in grade nine or ten, must undergo a health assessment, which shall include:

(a) a physical examination including blood pressure, height, weight, hematocrit or hemoglobin, and a chronic disease assessment which shall include, but not be limited to,

asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;

(b) an updating of immunizations as required by law (see AR-5141.31);

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The health assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia and test for lead levels in the blood when the Board of Education, after consultation with the school medical advisor and the local health department, determine such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

B. The Board of Education will provide the following health screenings, and they shall be required for all students according to the following schedule:

- Vision Screening — Grades K, 1, 3, 4, 5
- Audiometric Screening — Grades K, 1, 3, 4, 5
- Postural Screening — Female, Grades 5, 7

  Male, Grade 8 or 9

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

The school system shall provide these screenings to students at no cost to parents. Parents shall be provided an annual written notification of screenings to be conducted. Parents wishing to have these screenings to be conducted by their private physician shall be required to report screening results to the school nurse.

C. Parents of students failing to meet standards of screening or deemed in need of further testing shall be notified in writing by the Superintendent of Schools, and the Windsor Public Schools shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student and, if not, advising the parent or guardian how such treatment may be obtained. Parents of those students choosing to have a health assessment conducted by medical personnel outside of the school system shall do so at no cost to the school system. Students eligible for health assessments shall have them provided by the Health Services staff.

D. The Superintendent shall give written notice to the parent or guardian of each student who did not receive a vision screening, audiometric screening or postural screening with a brief statement explaining why such student did not receive a vision screening, audiometric screening or postural screening.

E. Health records shall be maintained in accordance with Policy #5125.

F. Any student participating in an interscholastic sports program must have a health assessment before participating in a sport. Medical clearance must be obtained every 13 months for all candidates for athletic teams by either a private physician or school medical advisor at a time and place determined by the Director of Athletics and the Medical Advisor.

No candidate will be permitted to engage in either a practice or a contest unless this requirement has been met, and he or she has been declared medically fit for athletics.

An athlete need not be re-examined upon entering another sport unless the coach requests it.

If a student is injured either in practice, a contest, or from an incident outside of school activities that requires him or her to forego either a practice session or contest, that student will not be permitted to return to athletic activity until a physician examines the student and pronounces him/her medically fit for athletics.

G. Health assessment and health screening requirements are waived if the parent/legal guardian of the student or the student (if he or she is an emancipated minor or is eighteen years of age or older) notifies the school personnel in writing that the parent, guardian or student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

Legal Reference: Connecticut General Statutes

10-204 Vaccination.

10-204c Immunity from liability.

10-205 Appointment of school Medical Advisor.

10-206 Health assessments (as amended by June Special Session PA 01-1).

20-207 Duties of Medical Advisor.

10-208 Exemption from examination or treatment.

10-208a Physical activity of student restricted; board to honor notice.

10-209 Records not to be public. Provision of report to school.

10-212 School nurses.

10-214 Vision, audiometric and postural screenings. When required. Notification of parents re defects; record of results, as amended by PA 96-229, An Act Concerning Scoliosis Screening.

20 U.S.C. Section 1232h, NCLB.

Public Act 15-215, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Administrative Regulation approved: February 1, 2016

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

SHIPMAN

Series 5000
Students

ADMINISTRATIVE REGULATIONS REGARDING HEALTH ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS

I. Health Assessments:

The [ ] Board of Education (the "Board') requires each student enrolled in the [ ] Public Schools (the "District") to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent the student from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or the parent or guardian may provide for such assessment . No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

Prior to enrollment in the District, each student must undergo a health assessment, which shall include:

(a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

 © 2021 Shipman & Goodwin LLP. All rights reserved.

(b) an updating of immunizations as required by state law;

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment in grade ***[the Board may choose to set the screening requirement in grade six or grade seven]*** and in grade ***[the Board may choose to set the screening requirement in grade nine or grade ten]***, which shall include:

(a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six/seven and grade nine/ten assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

III. Oral Health Assessments:

A. Prior to enrollment in the District, in grade ***[the Board may choose to request the assessment in either grade six or grade seven]*** and in grade ***[the Board may choose to request the assessment in either grade nine or grade ten]***, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.

B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.

C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.

D. If the Board hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not optthe child out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

IV. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening. Such vision screening may be performed using a Snellen chart or an equivalent screening device, or an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such student did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

V. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student transfers to another school district in

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

The District shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade nine or ten. The report shall contain the asthma information collected as required under Section II of these administrative regulations and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VI. Exemption:

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VII. Other Non-Emergency Invasive Physical Examinations and Screenings:

A. In addition to the screenings listed above, the District may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).

B. A non-emergency, invasive physical examination or screening is defined as:

1. any medical examination that involves the exposure of private body parts; or

2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and

4. is not necessary to protect the immediate health and safety of the student, or of other students.

C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

VIII. School Representative to Receive Information Concerning Health Assessments:

The Board designates **[insert name of responsible staff member]** as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

State Law:

Connecticut General Statutes:

§ 10-206	Health assessments
§ 10-206a	Free health assessments
§ 10-206d	Oral health assessments
§ 10-208	Exemption from examination or treatment
§ 10-209	Records not be public. Provision of reports to schools
§ 10-214	Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act. No. 21-95, "An Act Concerning Assorted Revisions and Additions to the Education Statutes."

Public Act No. 21-121, "An Act Concerning the Department of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes."

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf

Federal Law:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. §§ 1232h(c)(2)(C)(iii) and 1232h(c)(6)(B).

ADOPTED: ____/____/____
REVISED: ____/____/____

Rev. 7/2/2021

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

SAMPLE
NOTICE OF FREE ORAL HEALTH ASSESSMENT

The _____ Public Schools (the "District") shall hold a free oral health assessment event for students on _____ ***[insert date and time of event]*** at your student's school. The oral health assessment shall consist of ***[insert one of the following options depending on the professional staffing the oral health assessment event: (1) a dental examination by a dentist OR (2) a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse.]*** The practitioner conducting the oral health assessment shall indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma. No student shall receive dental treatment of any kind as part of the free oral health assessment event.

This event is free of charge. You may be present during the oral health assessment of your student, if you so wish. When, based on the results of the assessment and in the judgment of school health personnel, your student is in need of further testing or treatment, you will be notified by the District.

You may elect for your student not to participate in the free oral health assessment event. **If you do not want your student to participate, you must sign the form below and return that section of the form to _____ by _____. If you fail to return the form by this date, you have consented to the free oral health assessment and your student will participate. If your student does not participate in the school's event, you will be asked to provide documentation that your student has received an oral health assessment, in accordance with state law.**

If you have questions or concerns regarding the free oral health assessment event, please contact _____.

FREE ORAL HEALTH ASSESSMENT EVENT - _____ *[insert date of event]*

Name of student: _____ Student's Date of Birth: _____

Student's Address: _____

Parent/Guardian Name (print): _____

As the parent/guardian of the above-named student, I elect for my student to not participate in the free oral health assessment. I understand that I will be asked by school officials to provide documentation that my student has received an oral health assessment by a qualified professional. I further understand that this "opt-out" is effective only for the free oral health assessment event being held on the date listed above.

_____ _____

Parent/Guardian Signature Date

Revised 8/1/2018

238949v23 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Regulation

AR 5141.31 Administrative Regulations Regarding Immunizations

Summer 2021 (Complete Re-Write)

Immunizations (Version 16v17)
We have revised these administrative regulations to comport with Public Act No. 21-6, which revised the religious exemption to the immunization requirements for school attendance.

Students

IMMUNIZATIONS

In accordance with state law and accompanying regulations, the Windsor Board of Education (the "Board") requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, prior to enrolling in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the Board requires each child to be vaccinated against meningococcal disease. The Board further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

By January 1 of each year, children aged 24-59 months enrolled in the Board's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the Board's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the pertinent requirements of these administrative regulations shall be granted to any child who, prior to enrollment:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health; or

(2) presents a certificate from a physician, physician assistant, or advance practice registered nurse stating that in the opinion of a such physician, such immunization is medically contraindicated because of the physical condition of such child; or

(3) presents a statement from the parents or guardian of such child that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged by

(A) a judge of a court of record or a family support magistrate,

(B) a clerk or deputy clerk of a court having a seal,

(C) a town clerk,

(D) a notary public,

(E) a justice of the peace,

(F) an attorney admitted to the bar of the State of Connecticut, or

(G) a school nurse; or

(4) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(5) in the case of hemophilus influenzae type B, has passed his/her fifth birthday; or

(6) in the case of pertussis, has passed his/her sixth birthday.

Before being permitted to enter the seventh grade, the parents or guardian of any child who is exempt on religious grounds from the immunization requirements, pursuant to subsection (3) above, shall present to the Board a statement that such immunization requirements are contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged in the same manner as required by subsection (3) above.

In accordance with state law, the Board shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child's residence.

The Board designates Steven Carvalho, Director of Pupil and Special Education Services as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gove/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf.

Legal Reference: Connecticut General Statutes

§ 10-204a Required immunizations

§ 10-204c Immunity from liability

Regulations of Connecticut State Agencies

§ 10-204a-2a Adequate Immunization

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine, June 25, 2010.*

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry, March 15, 2011.*

Regulation Approved: December 18, 2018

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

SHIPMAN

Series 5000
Students

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

I. Immunization Requirements

In accordance with state law and accompanying regulations, the _____ Public Schools (the "District") requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the District requires each child to be vaccinated against meningococcal disease. The District further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

[If the District operates a preschool program, the following language should be added:

By January 1 of each year, children aged 24-59 months enrolled in the District's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.]

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process

 © 2021 Shipman & Goodwin LLP. All rights reserved.

(A) under guidelines and schedules specified by the Commissioner of Public Health; or

(B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or

(2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Section 7 of Public Act No. 21-6, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or

(3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or

(5) in the case of pertussis, has passed such child's sixth birthday.

II. Exemptions Based on Religious Beliefs

A. <u>Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021</u>

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary

275516v17 © 2021 Shipman & Goodwin LLP. All rights reserved.

to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and

2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and

3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but

275516v17 © 2021 Shipman & Goodwin LLP. All rights reserved.

3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

shall comply with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

In accordance with state law, the _____ Board of Education ("Board") and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child's residence.

The District designates **[insert name of responsible staff member]** as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf.

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes
§ 10-204a Required immunizations
§ 10-204c Immunity from liability
Public Act No. 21-6, "An Act Concerning Immunizations"

Regulations of Connecticut State Agencies
§ 10-204a-2a Adequate Immunization

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine*, June 25, 2010.

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.

275516v17 © 2021 Shipman & Goodwin LLP. All rights reserved.

State Department of Education, Guidance Regarding Public Act 21-6, "An Act Concerning Immunizations," May 25, 2021.

ADOPTED_____
REVISED:_____

6/25/2021

275516v17 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy

P 5145.1 Student Privacy

Summer 2021 (Complete Re-Write)

Student Privacy (PPRA) (Version 11v12)
In light of guidance issued by the U.S. Department of Education's Student Privacy Policy Office, we have revised this policy, and the accompanying model notification, to clarify when the administration must obtain prior written consent of a parent or student before administering a student survey related to certain topics, and when the administration must provide parents or students notice and an opportunity to opt out of participation. We also made minor revisions to reflect statutory language.

Students

STUDENT PRIVACY

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

A. **"Parent"** includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

B. **"Personally identifiable information"** includes, but is not limited to,

1. the student's name;

2. the name of the student's parent or other family members;

3. the address of the student or student's family;

4. a personal identifier, such as the student's social security number, student number, or biometric record;

5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

C. **"Personal information"** means individually identifiable information including-

1. a student's or parent's first and last name;

2. a home or other physical address (including a street name and the name of a city or town);

3. a telephone number; or

4. a Social Security identification number.

D. **"Survey"** includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

a. political affiliations or beliefs of the student or the student's parent;

b. mental or psychological problems of the student or the student's parent;

c. sex behavior or attitudes;

d. illegal, anti-social, self-incriminating, or demeaning behavior;

e. critical appraisals of other individuals with whom respondents have close family relationships;

f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

B. Surveys Funded by Sources Other than the U.S. Department of Education:

1. Third Party Surveys

a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.

b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.

c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

i) political affiliations or beliefs of the student or the student's parent,

ii) mental or psychological problems of the student or the student's parent,

iii) sex behavior or attitudes,

iv) illegal, anti-social, self-incriminating, or demeaning behavior,

v) critical appraisals of other individuals with whom respondents have close family relationships,

vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,

vii) religious practices, affiliations, or beliefs of the student or of the student's parent,

viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.

d. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment*;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional materials used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

5. the sale by students of products or services to raise funds for school-related or education-related activities;

6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office

United States Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-8520

Legal References:

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

Policy Adopted: October 21, 2008

Policy Revised: April 18, 2017

Windsor Public Schools

Windsor, CT

Notification of Rights Under the Protection of Pupil Rights Amendment ("PPRA")

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (i.e. students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;

2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:

   a. political affiliations or beliefs of the student or the student's parent;

   b. mental or psychological problems of the student or the student's family;

   c. sex behavior or attitudes;

   d. illegal, anti-social, self-incriminating, or demeaning behavior;

   e. critical appraisals of other individuals with whom respondents have close family relationships;

   f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;

   g. religious practices, affiliations, or beliefs of the student or the student's parent; or

h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;

3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;

4. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;

5. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;

6. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:

a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);

b. the administration of any survey containing confidential topics (see #2, above, a-h); or

c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

a. college or other post-secondary education recruitment, or military recruitment;

b. book clubs, magazines, and programs providing access to low-cost literary products;

c. curriculum and instructional materials used by elementary and secondary schools;

d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

e. the sale by students of products or services to raise funds for school-related or education-related activities; and

f. student recognition programs.

To protect student privacy in compliance with the PPRA, the Windsor Public School district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-5920

SHIPMAN

Series 5000
Students

STUDENT PRIVACY

In accordance with federal law, the _____ Board of Education (the "Board") adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

A. *"Invasive physical examination"* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

B. *"Parent"* includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

C. *"Personally identifiable information"* includes, but is not limited to,

1. the student's name;

2. the name of the student's parent or other family members;

3. the address of the student or student's family;

4. a personal identifier, such as the student's social security number, student number, or biometric record;

5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

D. *"Personal information"* means individually identifiable information including—

1. a student's or parent's first and last name;

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

2. a home or other physical address (including a street name and the name of a city or town);

3. a telephone number; or

4. a Social Security identification number.

E. *"Survey"* includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

a. political affiliations or beliefs of the student or the student's parent;

b. mental or psychological problems of the student or the student's family;

c. sex behavior or attitudes;

d. illegal, anti-social, self-incriminating, or demeaning behavior;

e. critical appraisals of other individuals with whom respondents have close family relationships;

f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

3. If a student is *not required* to submit to a survey, analysis, or evaluation that reveals information concerning any of the topics in Section II.A.2 above, the administration shall provide parents with notice of the district's intent to distribute such survey and, upon written request, shall permit the parent or student (if an adult or emancipated minor) to opt out of participation.

B. Surveys Funded by Sources Other than the U.S. Department of Education:

1. Third Party Surveys

a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.

b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.

c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

i) political affiliations or beliefs of the student or the student's parent,

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

ii) mental or psychological problems of the student or the student's family,

iii) sex behavior or attitudes,

iv) illegal, anti-social, self-incriminating, or demeaning behavior,

v) critical appraisals of other individuals with whom respondents have close family relationships,

vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,

vii) religious practices, affiliations, or beliefs of the student or of the student's parent,

viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.

d. Student responses to any Confidential Topic Survey that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment*;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional materials used by elementary schools and secondary schools;

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

5. the sale by students of products or services to raise funds for school-related or education-related activities;

6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:

1. they are required as a condition of attendance;

2. they are administered by the school and scheduled by the school in advance;

3. they are not necessary to protect the immediate health and safety of the students; and

4. they are not required by state law.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s)/ screening(s).

C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Student Privacy Policy Office
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

ADOPTED: _____
REVISED: _____

Legal References:

Family Educational Rights and Privacy Act (FERPA), U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h

UNITED STATES DEPARTMENT OF EDUCATION, STUDENT PRIVACY POLICY OFFICE, Protection of Pupil Rights Amendment (PPRA), SPPO-21-01 (issued November 24, 2020), *available at* https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf.

6/28/2021

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

Model Notification of Rights Under the Protection of Pupil Rights Amendment ("PPRA")

[Note: Districts must send this notification to parents and/or eligible students annually, at the beginning of the school year, and within a reasonable period of time after any substantive change to its PPRA policies.]

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (*i.e.* students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;

2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:

    a. political affiliations or beliefs of the student or the student's parent;
    b. mental or psychological problems of the student or the student's family;
    c. sex behavior or attitudes;
    d. illegal, anti-social, self-incriminating, or demeaning behavior;
    e. critical appraisals of other individuals with whom respondents have close family relationships;
    f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
    g. religious practices, affiliations, or beliefs of the student or the student's parent; or
    h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;

3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;

4. the right of a parent or eligible student to receive notice and opt out of a student's participation in a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the student is not required to submit to such survey, whether the survey is funded in whole or in part by a program of the U.S. Department of Education or some other source;

5. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;

341279v12 © 2021 Shipman & Goodwin LLP. All rights reserved.

6. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;

7. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:

    a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
    b. the administration of any survey containing confidential topics (see #2, above, a-h) if the survey is either not funded as part of a program administered by the United States Department of Education or is funded by the United States Department of Education but the student is not required to submit to such survey; or
    c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

    a. college or other post-secondary education recruitment, or military recruitment;
    b. book clubs, magazines, and programs providing access to low-cost literary products;
    c. curriculum and instructional materials used by elementary and secondary schools;
    d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
    e. the sale by students of products or services to raise funds for school-related or education-related activities; and
    f. student recognition programs.

To protect student privacy in compliance with the PPRA, the **[name of district]** school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

6/28/2021

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Regulation

P/AR 5145.4 Non-Discrimination (Students)

December 2020 (Complete Re-Write)

Non-Discrimination

We revised this policy in accordance with the recent changes made to Title IX of the Amendments for 1972 and to ensure internal consistency in the policy and administrative regulations.

Summer 2021 (Complete Re-Write)

Non-Discrimination

We have revised this policy to reflect changes made by Public Act No. 21-79 to the statutory definition of "veteran," which changes become effective October 1, 2021. We have also clarified that complaints can be filed regarding discrimination and harassment, and that individuals who wish to request or discuss accommodations based on religion or disability may contact relevant school officials. In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we clarified that complaints based on allegations of discrimination or harassment for reasons such as gender identity or sexual orientation will be handled pursuant to the board's policies regarding sex discrimination and sexual harassment. We have also revised the regulations to reflect that complaints against the Superintendent should be filed with the Board Chair, who will take appropriate steps to cause the matter to be investigated in a manner consistent with board policy and regulation. Finally, we have clarified when timelines for investigation of complaints may be reasonably extended.

Students

NON-DISCRIMINATION (STUDENTS)

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5145.4 for Students/Non-Discrimination Policy and are available online at www.windsorct.org or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies Policy

#5145.5 Students/Sex Discrimination and Harassment; Policy# 5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973.

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109- 3921

(617) 289-0111

http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination may contact:

Terrell Hill, Ph.D., Assistant Superintendent for Human Resources

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

Terrell Hill, Ph.D., Assistant Superintendent for Human Resources

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Section 504/ADA Coordinator:

Steven Carvalho, Director of Pupil and Special Education Services

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1238

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*

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

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.*

Connecticut General Statutes § 10-15c

§ 46a-58 and § 46a-81a, *et seq.*

Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined

Connecticut General Statutes § 46a-58. Deprivation of Rights

Policy Adopted: July 9, 2009

Policy Revised: June 18, 2013

Policy Revised: January 17, 2018

Policy Revised: February 19, 2020

Windsor, Public Schools

Windsor, CT

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5145.4 Non-Discrimination Policy and are available online at www.windsorct.org or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies, Policy #5145.5 Students/Sex Discrimination and Harassment #5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973.

All other complaints by a student or other individuals alleging discrimination on the basis of the protected characteristics listed herein should file a written complaint with:

Office of the Superintendent of Schools

Craig A. Cooke, Ph.D.

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 ext. 1236

ccooke@windsorct.org

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression, he/she should make a written complaint to Steven Carvalho, Director of Pupil and Special Education Services or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

The complaint should state the:

A. Name of the complainant,

B. Date of the complaint,

C. Date(s) of the alleged harassment/discrimination,

D. Name(s) of the harasser(s) or discriminator(s),

E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination, and

G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

H. Proposed remedy.

Any student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible as determined by the investigator.

Upon receipt of a written complaint of discrimination, the investigator should:

1. offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

2. provide the complainant (and respondent, if applicable) with a copy of the Board's anti-discrimination policy and accompanying regulations;

3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;

5. maintain confidentiality to the extent practicable, through the investigative process, in accordance with state and federal law;

6. communicate the outcome of the investigation in writing to the complainant, (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

7. if a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);

8. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;

9. if the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the

investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109- 3921

(617) 289-0111

http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination, may contact:

Terrell Hill, Ph.D., Assistant Superintendent for Human Resources

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

Terrell Hill, Ph.D., Assistant Superintendent for Human Resources

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Section 504/ADA Coordinator:

Steven Carvalho, Director of Pupil and Special Education Services

Windsor Public Schools

601 Matianuck Avenue

Windsor, CT 06095

860-687-2000 x 1238

Regulation Approved: February 19, 2020

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

Series 5000
Students

NON-DISCRIMINATION (STUDENTS)

The Board of Education (the "Board") complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status.

For the purposes of this policy, "veteran" means any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity

 © 2021 Shipman & Goodwin LLP. All rights reserved.

or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

For the purposes of this policy, "race" is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination or harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #_____ **[Insert Policy # for Students/Non-Discrimination Policy]** and are available online at **[Insert website address for Board polices]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #_____ **[Insert Policy #]**, Students/Sex Discrimination and Harassment; Policy #_____ **[Insert Policy #]**, Section 504/ADA).

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

[Insert name/title, address, telephone number of person(s)]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

[Insert name/title, address, telephone number. e-mail address]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

[Insert name/title, address, telephone number]

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Generel Statutes § 46a-81a, et seq.
Public Act No. 21-79, "An Act Redefining 'Veteran' and Establishing a Qualifying Review Board"

ADOPTED:_____
REVISED:_____

6/28/2021

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)

It is the policy of the _____ Board of Education (the "Board") that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination or harassment may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #_____ **[Insert Policy # for Students/Non-Discrimination Policy]** and are available online at **[Insert website address for Board polices]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #_____ **[Insert Policy #]**, Students/Sex Discrimination and Harassment; Policy #_____ **[Insert Policy #]**, Section 504/ADA).

All other complaints by a student or parents/guardians alleging discrimination or harassment against a student on the basis of the protected characteristics listed herein should file a written complaint with:

[INSERT HERE THE NAMES AND CONTACT INFORMATION OF APPROPRIATE SCHOOL PERSONNEL]

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

 © 2021 Shipman & Goodwin LLP. All rights reserved.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this policy and the implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as a student feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, he/she should make a written complaint to **[INSERT HERE THE NAMES OF APPROPRIATE SCHOOL PERSONNEL]** or to the building principal, or designee.

If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will take appropriate steps, such as retaining an independent investigator, to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If either the Superintendent or any other party to the complaint is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The student will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the **[INSERT NAME OF APPROPRIATE SCHOOL PERSONNEL]** receives a complaint alleging discrimination or harassment based on gender/sex, gender identity, sexual orientation, disability or pregnancy, the **[INSERT NAME OF APPROPRIATE SCHOOL PERSONNEL]** shall follow the procedures identified in the appropriate Board policies ((e.g., Sex Discrimination and Sexual Harassment (Students); Policy #_____ **[Insert Policy #]**, Section 504/ADA (Students)), where applicable, rather than the complaint procedures provided in this policy.

The complaint should state the:

A. Name of the complainant,

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

B. Date of the complaint,

C. Date(s) of the alleged harassment/discrimination,

D. Name(s) of the harasser(s) or discriminator(s),

E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination,

G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and

H. Proposed remedy.

Any student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;

3. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;

5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;

6. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);

8. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;

9. If the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted.

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

[Insert name/title, address, telephone number of person(s)]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

[Insert name/title, address, telephone number, e-mail address]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

[Insert name/title, address, telephone number]

6/28/2021

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

SHIPMAN

DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

_____

Location where such discrimination/harassment occurred _____

_____

Name(s) of any witness(es) to the discrimination/harassment _____

_____

Detailed statement of the circumstances constituting the alleged discrimination or harassment _____

_____

_____

_____

_____

_____

_____

Proposed remedy _____

6/28/2021

238849v24 © 2021 Shipman & Goodwin LLP. All rights reserved.

Rational for Revised Policy/Regulation

P/AR 5145.5 Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students)

December 2020 (Complete Re-Write)

We updates this policy and administrative regulations based on our experience and implementing the new title IX federal regulations. The various changes include adding the definition and procedures related to sexual harassment under state law and clarifying practical issues of implementation concerning, for example, witness notification.

Summer 2021 (Complete Re-Write)

In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we have revised this policy and administrative regulations to clarify that Title IX prohibits discrimination on the basis of sexual orientation and gender identity. We have further revised the administrative regulations to address practical application of Title IX's requirements by, among other things, clarifying definitions and the appeal process.

February 2022 (Complete Re-Write)

This document has been revised to add a new Notice of Allegations for claims of student-student sexual harassment, which addresses the notification requirements of Title IX and Connecticut's bullying law.

Students

POLICY REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

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

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.

2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

4. Touching of a sexual nature or telling sexual or dirty jokes.

5. Transmitting or displaying emails or websites of a sexual nature.

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints

of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Legal References: United States Constitution, Article XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Constitution of the State of Connecticut, Article I, Section 20.

POLICY ADOPTED: June 18, 2013

AR5145.5

Students

ADMINISTRATIVE REGULATIONS REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

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

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.

2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

4. Touching of a sexual nature or telling sexual or dirty jokes.

5. Transmitting or displaying emails or websites of a sexual nature.

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a written complaint to Terrell Hill, Asst. Superintendent for Human Resources, or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

3. The complaint should state the:

   A. Name of the complainant,

   B. Date of the complaint,

   C. Date(s) of the alleged harassment/discrimination,

   D. Name(s) of the harasser(s) or discriminator(s),

   E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination, and

G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.

7. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to investigate the complaint. The Title IX Coordinator or designee shall consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

8. The Title IX Coordinator or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.

9. If the student complainant is dissatisfied with the findings of the investigation, he or she may file a written appeal to the Title IX Coordinator, or, if he or she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may also investigate the complaint further. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Windsor Board of Education is: Terrell Hill, Asst. Superintendent for Human Resources, whose office is located at 601 Matianuck Avenue, Windsor, CT 06095 and whose telephone number is 860-687-2000 ext. 233.

Regulation Revised: June 6, 2016

Regulation approved: June 18, 2013

Craig A. Cooke, Ph.D.

Superintendent of Schools

Windsor Public Schools

Windsor, CT

Series 5000
Students

POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

It is the policy of the _____ Board of Education (the "Board") for the _____ Public Schools (the "District") that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX") and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

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

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX and Connecticut law (the "Administrative Regulations").

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

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

(1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo)*;

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

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

The _____ Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is _____ ***[include name or title - this may be multiple individuals]***. Any individual may make a report of sex discrimination and/or

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact ***[must include all of this contact information]***:

OFFICE ADDRESS
ELECTRONIC MAIL ADDRESS
TELEPHONE NUMBER

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

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

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

ADOPTED:_____
REVISED:_____

7/15/2021

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

Series 5000
Students

[Note: The following administrative procedures are not part of the sex discrimination and sexual harassment policy and need not be approved by the Board. However, because a complaint procedure is legally required, these administrative regulations are included for your convenience.]

ADMINISTRATIVE REGULATIONS REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

It is the policy of the _____ Board of Education (the "Board") for the _____ Public Schools ("the District") that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

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

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

(1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo)*;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or

© 20212022 Shipman & Goodwin LLP. All rights reserved.

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.

2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

4. Touching of a sexual nature or telling sexual or dirty jokes.

5. Transmitting or displaying emails or websites of a sexual nature.

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is _____ ***[include name or title - this may be multiple individuals]***. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact ***[must include all of this contact information]***:

OFFICE ADDRESS
ELECTRONIC MAIL ADDRESS
TELEPHONE NUMBER

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

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

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

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.

- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

  A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.

  B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.

  C. It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.

  D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:

  (i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or

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

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

- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

- **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.

- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

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

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

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

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.

3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:

   i. The identities of the parties involved in the incident, if known;
   ii. The conduct allegedly constituting sexual harassment as defined above;
   iii. The date and the location of the alleged incident, if known;
   iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
   v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
   vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

   If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.

6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). ***[Note: A school district may choose to use a "clear and convincing evidence" standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a "more likely than not" under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]*** The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.

9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to **[*Insert "a hearing or" if a District chooses to conduct live hearings*]** the time a determination regarding responsibility is made.

   [The Title IX regulations provide that school districts "may, but need not, provide for a hearing." If school districts choose to hold a hearing (live or otherwise), an additional paragraph explaining the hearing process should be added here. The regulations provide school districts significant discretion as to how to conduct such a hearing. For example, the Title IX Coordinator may determine it is appropriate to hold a live hearing where the students are above a certain age, where the students are in high school, or where both parties request or consent to a hearing. If a school district would like to include the procedures for holding a live hearing in its administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]

10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence ***[NOTE: or clear and convincing evidence]*** standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

13. After receiving notification of the decision-maker's decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Subsection E of this Section.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-makers decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

- ***[Note: School districts may add other bases for appeal so long as they are offered equally to both parties]***

The District will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that ~~1)~~ the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Connecticut law.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.

2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

5. The District will maintain for a period of seven (7) years records of:

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
ii. Any appeal and the result therefrom;
iii. Any informal resolution and the result therefrom; and
iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.

- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

C. Grievance Procedures

1. As soon as a student feels that the student has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), the student or the student's parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The student will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the student's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:

   i. Name of the complainant;
   ii. Date of the complaint;
   iii. Date(s) of the alleged discrimination;
   iv. Name(s) of the discriminator(s);
   v. Location where such discrimination occurred;
   vi. Names of any witness(es) to the discrimination;
   vii. Detailed statement of the circumstances constituting the alleged discrimination; and
   viii. Remedy requested.

3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

confidentiality insofar as possible while still conducting an effective and thorough investigation.

6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that the student's personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

    i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;

    ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;

    iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;

    iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

    v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;

    vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and

vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.

9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

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

Copies of these Administrative Regulations will be distributed to all students.

~~7/15/2021~~
1/17/2022

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (STUDENTS)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

_____

Location where such sexual harassment occurred _____

_____

Name(s) of any witness(es) to the sexual harassment

_____

_____

Detailed statement of the circumstances constituting the alleged sexual harassment

_____

_____

_____

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

11/23/2020

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (STUDENTS)

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

_____

Location where such sex discrimination occurred _____

_____

Name(s) of any witness(es) to the sex discrimination _____

_____

Detailed statement of the circumstances constituting the alleged sex discrimination

_____

_____

_____

Remedy requested _____

Signature: _____

11/23/2020

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/STUDENT SEXUAL HARASSMENT

[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator. The formal complaint shall also be considered a written report of suspected bullying under the Board's Bullying Prevention and Intervention Policy and Connecticut General Statutes § 10-222d. As such, a bullying investigation pursuant to the foregoing policy and statute will be conducted as part of the Title IX grievance process. This notice shall serve as notification that an investigation of alleged Title IX sexual harassment and bullying has commenced. Please be advised that students are entitled to different and additional procedural rights under the Title IX grievance process than under the Board's Bullying Prevention and Intervention Policy.

Identities of the parties involved, if known:

_____ (Complainant(s))

_____ (Respondent(s))

The conduct allegedly constituting sexual harassment and bullying:

_____

_____

_____

The date and the location of the alleged incident, if known:

_____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

Procedural Rights Under Title IX:

- The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility under Title IX is made at the conclusion of the grievance process.

- All parties involved in the Title IX grievance process may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

It is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and the Board's Bullying Prevention and Intervention Policy is included with this notice.

1/26/2022

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/EMPLOYEE SEXUAL HARASSMENT

[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))

_____ (Respondent(s))

The conduct allegedly constituting sexual harassment:

_____

_____

_____

The date and the location of the alleged incident, if known:

_____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

It is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy. Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination.

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) is included with this notice.

~~11/23/2020~~

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.

SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS

[LETTERHEAD]

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation ***[alternatively, could be restorative justice]***. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment:_____
_____
_____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

_____

I voluntarily consent to the informal resolution process:

_____ _____
Complainant Date

_____ _____
Parent/Guardian of Complainant Date

_____ _____
Respondent Date

_____ _____
Parent/Guardian of Respondent Date

11/23/2020

© ~~2021~~2022 Shipman & Goodwin LLP. All rights reserved.