

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE
NOTICE OF SPECIAL MEETING
AGENDA**

(Agenda Subject to Modification in Accordance with Law)

WORK SESSION:

8:00 a.m. Westport Town Hall 307

DISCUSSION/ACTION:

1. Minutes: October 15, 2019, *pages 1-2*

DISCUSSION:

1. Final Reading of Bylaw 9324, Meeting Conduct, *pages 3-7*
2. First Reading of the Following Policies:
 - 6159 (or 6171), Individual Education/Special Education, *pages 9-20*
 - 6161.3, Comparability of Services (Title I), *pages 21-22*
 - 6162.51, Surveys of Students/Student Privacy, *pages 23-24*
 - 6171.2, Preschool Students with Disabilities, *pages 25-26*
 - 6172, Program Adaptions, Alternate Education Programs, *pages 27-29*
 - 6172.4, Title I Parental and Family Engagement Policy, *pages 31-39*
 - 5113, Attendance and Excuses, *pages 41-43*
 - 5113.2, Truancy, *pages 45-75*
 - 5125, Student Records, Confidentiality, *pages 77-159*
 - 5141.3, Health Assessments and Immunizations, *pages 161-179*
 - 5145.14, On-Campus Recruitment, *pages 175-177*
 - 5141.4, Reporting Child Abuse and Neglect, *pages 185-201*
 - 4115, Evaluation/Supervision, *pages 203-207*
 - 4117.6, Evaluation – Coaches, *pages 209-211*
 - 4112.6, Personnel Records, *pages 213-215*
 - 4116, Probationary/Tenure Status, *page 217*
 - 4118.7, Study/Use of Religious Symbols, Music and Decorations, etc., *pages 219-220*
3. Second Reading of the Following Policies:
 - 0200, Statement of Educational Goals and Student Objectives, *pages 221-223*
 - 3541.5, Reporting of Transportation Safety Complaints, *page 225*
4. Any Other Policy Matters and Continued Review of the Following Policies:
 - 3542.43, Food Service Charging Policy, *pages 227-230*
 - 3542.22, Food Services Personnel Code of Conduct, *pages 231-232*

- 6115, School Ceremonies and Observances, *pages 233-234*
- 3515, Use of School Facilities, *pages 235-241*

ADJOURNMENT

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE WORK SESSION MINUTES**

Board Members Present:

Karen Kleine Committee Chair
Mark Mathias Board Chair

Administrators Present

David Abbey Interim Superintendent (present 8:06-9:47 a.m.)
John Bayers Director of Human Resources
Elio Longo Chief Financial Officer (present 9:16-9:39 a.m.)

Others Present

Deborah VanCoughnett Director of Dining Services (left 8:53 a.m.)
Buffy Barry Director of Transportation (present 8:55-9:13 a.m.)

PUBLIC SESSION: 8:01 a.m., Westport Town Hall 307

DISCUSSION

First reading of the following policies:

- 0200, Statement of Educational Goals and Student Objectives
- 3541.5, Reporting of Transportation Safety Complaints
- 3542.43, Food Service Charging Policy
- 3542.22, Food Services Personnel Code of Conduct
- 6115, School Ceremonies and Observances

Continued discussion of the following policies:

- Policy 6146 Graduation Requirements
- 6172.6 Online Coursework
- 4212.42 Drug and Alcohol Testing for Bus Drivers
- 5145.511 Sexual Abuse Prevention Education Program

Discussion of the following policies was postponed to the next meeting date:

- 6159 (or 6171), Individual Education/Special Education
- 6161.3, Comparability of Services (Title I)
- 6162.51, Surveys of Students/Student Privacy
- 6171.2, Preschool Students with Disabilities
- 6172, Program Adaptions, Alternate Education Programs

- 6172.4, Title I Parental and Family Engagement Policy

DISCUSSION/ACTION

MINUTES: October 8, 2019

Karen Kleine moved to approve the minutes of October 8, 2019; seconded by Mark Mathias and approved unanimously (2-0-0).

Karen Kleine moved to bring the following policies before the full Board for a first reading at the November 21, 2019 meeting; seconded by Mark Mathias and passed unanimously (2-0-0):

- P4212.42, Drug and Alcohol Testing for Bus Drivers (new)
- P5145.511 Sexual Abuse Prevention Education Program (new)

ADJOURNMENT

Meeting adjourned at 9:58 a.m..

Respectfully submitted,

Jennifer Caputo

MEETING CONDUCT

1. Meeting Conduct

- A. Meetings of the Board of Education shall be conducted by the Chairperson in a manner consistent with the provisions of the Freedom of Information Act and the adopted bylaws of the Board.
- B. All Board meetings shall commence at, or as close as practicable to, the stated time, provided there is a quorum.
- C. All regular and special Board meetings shall be guided by an agenda which will have been prepared and delivered in advance to all Board members and other designated persons.
- D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.

2. Smoking, Vaping, and Use of Electronic Nicotine Delivery Systems

- A. ~~Smoking~~ Use of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products will not be permitted in any room in which a meeting of the Board of Education is being conducted, nor during the time immediately prior to the meeting.
- B. A sign notifying the public that no smoking is allowed in the place designated for the meeting will be prominently posted.

3. Public Address

- A. The Board may permit any ~~individual or group~~ town resident to address the Board concerning any subject that lies within its jurisdiction during a portion of the Board's regular meetings so designated for such purpose.

(1) _____ minutes may be allotted to each speaker and a maximum of _____ minutes to each subject matter. The Board may modify these

limitations at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so.

(2) A Board of Education member shall be appointed by the Chairperson prior to the meeting to act as timekeeper for the meeting, if deemed necessary by the Chairperson.

(3) No boisterous conduct shall be permitted at any Board of Education meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

(4) All speakers must identify themselves by name and address.

Legal References:

Connecticut General Statutes

1-200 Definitions

1-206 Denial of access of public records or meeting. Notice. Appeal.

1-225 Meetings of government agencies to be public.

1-232 Conduct of meetings. (re: disturbances)

Freedom of Information Commission Advisory Opinion #41 (April 9, 1980)

ADOPTED: _____

REVISED: _____

2/25/08

10/15/2018

Bylaws of the Board

Agenda Preparation and Dissemination

~~Agendas are prepared primarily to enable Board members to participate effectively in discussion and to make well informed judgments concerning the school issues before them. These agendas also enable members of the public to follow the discussion of the Board and to understand the basis for decisions reached.~~

Preparation

~~The Superintendent of Schools shall prepare the agenda for each Board meeting in consultation with the Chair. Board members wishing to place items on the agenda should notify the Superintendent sufficiently in advance of the meeting to enable him/her to obtain the information needed for effective discussion.~~

~~Members of the public wishing to have an item placed on the agenda should make a written request to the Superintendent. Oral requests may also be made at Board meetings for future consideration, but the Chair may ask for a written statement of the problem if circumstances warrant~~

Announcement

~~A list of items to be included on the agenda will normally be made available to the local news media no later than Friday prior to the meeting. A legal notice of regular meetings will be placed in a newspaper serving the Westport area as required by the Westport Town Charter permitted by State law, the Board may add an item to the agenda at the meeting by a 2/3 vote.~~

Distribution

~~Agendas, together with the necessary supporting information, will normally be distributed to members of the Board at least forty eight hours before each regularly scheduled meeting.~~

~~Bylaw adopted by the Board: June 10, 2002~~

~~9325.3~~

~~Parliamentary Procedures~~

~~Rules of Order~~

~~Regular and special meetings of the Board of Education are held in public, but they are not public hearings unless so designated. Comments from those citizens present will be welcomed at times indicated by the Chair, but such participation shall not be allowed to interfere with the conduct of business by the Board.~~

~~Procedure will normally be informal for the sake of simplicity and to minimize diversion of discussion to procedural questions. Board members may, however, involve Robert's Rules of Order, Revised.~~

~~A majority of the Board members present is required to approve a motion.~~

~~When comments from the public would be particularly helpful to the Board in reaching a decision on an item, the Board may schedule a public hearing devoted exclusively to that item. In any case, final action, on a change in Board policy will not normally be taken at the time of its first discussion or at a public hearing unless postponement until the next Board meeting would hinder the intent of such action.~~

~~Upon a 2/3 vote of the members of the Board, new business, not listed on the agenda, may be considered and acted upon at a regular meeting of the Board.~~

~~No new topic will be started after 10:30 p.m. except by a 2/3 vote of the members present and voting.~~

~~If a person or group of persons is so disruptive that the meeting cannot proceed in an orderly fashion, the meeting may be cleared, except for representatives of the news media not involved in the disturbance. A meeting may be adjourned or continued to a time and place specified in the adjournment or continuance.~~

~~Legal Reference: Connecticut General Statutes~~

~~1-200 Definitions~~

~~1-206 Denial of access of public records or meetings. Notice. Appeal~~

~~1-210 Access to public records~~

~~1-226 Recording, broadcasting or photographing meetings~~

~~19a-342 Smoking prohibited in certain places. Signed required. Penalty~~

~~1-231 Executive sessions~~

~~1-232 Conduct of meetings (re disturbances)~~

~~10-224 Duties of the Secretary~~

~~Bylaw adopted by the Board: June 10, 2002~~

Instruction

Individualized Education Program/Special Education Program

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 21 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

A parent of a child, the State Department of Education, other state agencies available to District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 60 calendar days of the receipt of written parental consent, for the initial evaluation; or implement the student's IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45 school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student's IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

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

Planning and Placement Team or Individualized Education Program Team

The term "individualized education program team" or "IEP Team" means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
 - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (II) is knowledgeable about the general education curriculum; and
 - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

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

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

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

(1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -

(i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;

(ii) Meeting each of the child's other educational needs that result from the child's disability; and

(iii) Providing a meaningful opportunity for the child to meet challenging objectives.

Alternate Assessments

(iii) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) A school must offer an IEP that is "reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances." The child's educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child's:

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and

- Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- 8) A statement of -
 - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
 - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -
 - (A) Their child's progress toward the annual goals; and
 - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

NOTE: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and maybe progress in, the general education curriculum (“the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.”)

(b) **Transition services.**

- (1) The IEP must include -
 - (i) For each student beginning not later than the first IEP to be in effect when the child is sixteen, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals:
 - (iii) For each student, who is at least fourteen years of age, and diagnosed with autism spectrum disorder, beginning not later than the date on which the first IEP takes effect, a statement of transition service needs which shall include appropriate transition assessments related to training, education, employment and where appropriate, independent living skills. In addition, the statement of transition needs shall include the transition services, including courses of study, needed to assist a child in reaching those goals. Such IEP shall be updated annually.
 - (iv) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;
 - (i) the child's primary language or mode of communication;

- (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
- (iii) educational options available to the child;
- (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
- (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
- (vi) Assistive devices and services for the child;
- (vii) Communication and physical environment accommodations for the child; and
- (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions

[10-76b](#) State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

[10-76d](#) Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277 and PA 19-49)

[10-76ff](#) Procedures for determining if a child requires special education

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure.

PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

[10-76jj](#) Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

Policy adopted:

NOTICE TO PARENTS UPON INITIAL REFERRAL IN COMPLIANCE WITH PUBLIC ACT 12-173 - INFORMATION ABOUT MEETING; EVALUATIONS; AND IEPs

[Under Conn. Gen. Stat. §10-76d, upon request by a parent/guardian, school districts must provide an opportunity for the parent/guardian to meet with a member of the PPT prior to the referral PPT to discuss the PPT process. Parents/guardians may also request that copies of assessments and evaluations be provided to them at least three (3) days before the initial eligibility PPT meeting. Upon finding a student eligible for special education, and at each PPT for the student, school districts are also required to provide parents/guardians with information and resources relating to IEPs created by the State Department of Education. To comply with these requirements, we recommend sending this notice to parents along with the initial notice of referral. Districts should also document at the PPT whether: 1) the parent requested a pre-PPT meeting and if this meeting was held; 2) the parent requested and received evaluations prior the eligibility PPT; and 3) the district provided the information regarding IEPs. We have developed a second notice which can be provided to parents at subsequent PPTs to comply with additional requirements under state law.]

[Board of Education/School Letterhead]

Dear [PARENT/GUARDIAN/SURROGATE PARENT]:

Your child, [NAME], has been referred to a planning and placement team (“PPT”) for consideration of eligibility for special education services. Attached please find the referral form and invitation for a PPT meeting to discuss the referral. If you are unable to attend this meeting at this time/date, please contact my office to reschedule as soon as possible.

Please know that, under Connecticut law, you have the right to request a meeting with a member of the PPT designated by the school district prior to the actual referral PPT in order to discuss the PPT process and/or any concerns that you might have regarding your child. If you would like to schedule a meeting for this purpose, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER CONTACT]** at **[TEL #]**. To ensure that we are able to schedule this meeting at a time that is mutually convenient, if you plan to request a meeting prior to the PPT, we kindly ask that you contact us as soon as possible.

In addition, at the initial referral PPT meeting, the team may discuss whether formal evaluations and/or assessments may be needed to determine your child's eligibility for special education. Should the team recommend initial evaluations/assessments, the school district will convene another PPT meeting to review the results of those evaluations/assessments. Under state law, you have the right to request that the school district provide you with the results of these initial assessments and evaluations at least three (3) school days before the PPT meeting at which these evaluations will be discussed for the first time. Therefore, in the event the PPT recommends formal evaluations/assessments, please notify **[PUPIL PERSONNEL OFFICE]** and/or the PPT team if you would like to receive the results of any such evaluations/assessments prior the follow up PPT.

Finally, Connecticut law also requires that school districts provide parents of students found eligible for special education and related services with information and resources, created by the Connecticut State Department of Education (the “Department”), relating to individualized education programs (“IEPs”). Although your child has not yet been determined eligible for special education, the following list of links to information and resources may be helpful in understanding special education and the PPT process. If you are unable to access these websites, or require a hardcopy of either “A Parent's Guide to Special Education in Connecticut” or the “IEP Manual and Forms,” please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]** to request a copy at the upcoming PPT meeting.

- Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
- A Parent's Guide to Special Education in Connecticut, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf
- IEP Manual and Forms (Third Revision October 2010), <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
- A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf
- Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
- Helpful CT Resources for Families, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf

If you have any questions, you may contact my office. Thank you.

Sincerely,

[APPROPRIATE SPECIAL EDUCATION ADMINISTRATOR]

9/2015

NOTICE OF PARENT RIGHTS AND INFORMATION RELATED TO SPECIAL EDUCATION

[Conn. Gen. Stat. §10-76d was recently amended by Public Act 15-209 and Section 277 of Special Session Public Act 15-5 to expand the scope of a school district's obligation to provide notice to parents of children found eligible for special education of certain rights and other information related to special education. This notice must be provided "immediately upon the formal identification of any child requiring special education and at each planning and placement team meeting for the child." To comply with this revised law, we recommend that this notice be provided 1) at the initial eligibility PPT if the student is found eligible for special education; and 2) at each subsequent PPT. While the law provides that the notice must be provided "at each PPT," we believe that providing the notice with an invitation to subsequent PPTs will satisfy the intent of the law, which is to give parents ample notice of their rights, which now includes the right to have their child's paraprofessional at the PPT. If the notice is provided prior to the PPT, the team should document that it was sent to the parent in advance of the meeting. Likewise, if the notice is provided at the PPT, the IEP should document that notice was provided at the meeting. If the parent/guardian/surrogate does not attend the PPT, the notice should be mailed with the IEP.]

[Board of Education/School Letterhead]

NOTICE OF PARENT RIGHTS

State law (Section 10-76d(a)(8) of the Connecticut General Statutes) requires that upon the formal identification of a child as a student requiring special education, and at each planning and placement ("PPT") meeting for such child, school districts must provide notice to the parents/guardians/surrogate parent of certain rights and other information/resources related to their child's special education program. In compliance with this law, please be informed of the following:

1. Information about the laws relating to special education and your rights under such laws is available through the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730#Legal>. The Procedural Safeguards in Special Education developed by the State Department of Education are also available online at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Prosaf.pdf>.
2. You have the right to have an advisor of your own choosing and at your own expense be present at and to participate in all portions of the PPT meeting at which an educational program for your child is developed, reviewed or revised. If you plan to bring an advisor to a PPT, the district kindly requests that you notify the district at least five (5) school days prior to the PPT of who you plan to bring to the meeting and what his/her role will be (e.g. advocate, friend, relative, attorney etc.)
3. You have the right to have the school paraprofessional assigned to your child, if any, be present at and to participate in all portions of the PPT meeting in which an educational program for your child is developed, reviewed or revised. A request to have your child's paraprofessional attend the PPT must be made at least five (5) school days in advance of the PPT meeting.
4. If your child is of kindergarten age, you have the right under Section 10-184 of the Connecticut General Statutes not to enroll your child in kindergarten. Specifically, Section 10-184 of the Connecticut General Statutes states: "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." Preschool-age children with an individualized education program (IEP) are already enrolled in the public school and are receiving a free appropriate public education (FAPE). Therefore, five and/or six year old children with an IEP whose parents exercise their option of not enrolling their child in kindergarten at their public school, will not be eligible to continue to receive special education and related services because the child is no longer enrolled in a public school.
5. Connecticut law requires that districts provide parents/guardians/surrogate parents with information and resources, created by the Connecticut State Department of Education, relating to IEPs, including information relating to transition resources and services for high school students. The following list of information and resources may be helpful in understanding special education and the PPT process.
 - Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
 - A Parent's Guide to Special Education in Connecticut, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf
 - IEP Manual and Forms (Third Revision October 2010), <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
 - A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf
 - Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
 - Helpful CT Resources for Families, http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf

If you have any questions about the above information, or if you are unable to access any of the websites listed above and/or require a hardcopy of the Procedural Safeguards in Special Education, A Parent's Guide to Special Education in Connecticut or the IEP Manual and Forms, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]**.

Instruction

Special Education

The district shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals With Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardians(s), and representation by counsel, and a review procedure.

The Board of Education in fulfilling its legal duties and responsibilities for providing special education programs for the students of the school district, shall be assisted through membership in the Regional Service Center and through cooperative associations with other school districts.

If necessary, students may also be placed in private school education facilities.

(cf. [3231](#) - Medicaid Reimbursement for Special Education Students)

(cf. [5145.71](#) - Surrogate Parent Program)

Legal Reference: Connecticut General Statutes

[10](#) 76a Definitions.

[10](#) 76b State supervision of special education programs and services. (as amended by PA 12-173)

[10](#) 76c Receipt and use of money and personal property.

[10](#) 76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 0048, PA 06-18 and June Special Session PA 15-5, Section 277)

[10](#) 76e School construction grant for cooperative regional special education facilities.

[10](#) 76f Definition of terms used in formula for state aid for special education.

[10](#) 76g State aid for special education.

[10](#) 76h Special education hearing and review procedure. Mediation of disputes.

[10](#) 76i Advisory council for special education.

[10](#) 76j Five year plan for special education.

[10](#) 76k Development of experimental educational programs.

[10](#) 76m Auditing claims for special education assistance.

[10](#) 76a 1 et seq. Definitions

[10](#) 76d 1 through [10](#) 76d 19 Conditions of instruction

[10](#) 76h 1 through [10](#) 76h 2 Due process

[10](#) 76l 1 Program Evaluation

[10](#) 145a 24 through [10](#) 145a 31 Special Education (re teacher certification)

[10](#)-2641 Grants for the operation of interdistrict magnet school programs

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

American with Disabilities Education Act, 20 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

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

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

20 U.S.C. §6368 (3) The No Child Left Behind Act

Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

Policy adopted:

Instruction**Comparability of Services**

The Superintendent or his/her designee shall pursue funding under Title I of the Academic Achievement of the Disadvantaged, as amended by the Every Student Succeeds Act (ESSA) to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All District schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Comparability, is defined, for purposes of this policy, that the District uses state and local funds to provide services to Title I schools that are comparable to those offered in non-Title I schools in order to get federal funding under ESSA.

The Board of Education believes that at all times its schools should be equally as well equipped and maintained as may be possible within existing financial limitations.

It shall be the policy of the Board of Education to insure comparability of services funded by state and local sources in both Title I project schools and non-project schools. The Board of Education will therefore:

1. Maintain a district-wide salary schedule.
2. Provide services with federal, state and local funds in schools serving Title I project areas that are at least comparable to services in non project areas.
3. Use federal, state and local funds to provide for an equivalence among all schools in all schools with the same grade levels in teachers, administrators, auxiliary personnel.
4. Use federal, state and local funds to provide for an equivalence among all schools with the same grade levels in the provision of curriculum and instructional materials, books and supplies.

The District shall maintain records that are updated biannually documenting its compliance with this ESSA requirement.

Nothing in this policy will prohibit the administration from addressing identified problems at individual schools.

Note: The comparability requirements of 20 U.S.C. Section 6321(c) shall not apply to a district that does not have more than one building from each grade span. (20 U.S.C. Section 6321(c)(4))

Legal Reference: Title I Improving Basic Programs Operated by State and Local Educational Agencies, Improving Every Student Succeeds Act, P.L. 114-95

20 U.S.C. Section 6321 (c)

Agostini v. Felton 521 U.S. 103 (1997)

Policy adopted:**Instruction****Research: Testing****Testing Program**

A plan of system-wide testing in addition to mandated statewide assessments, shall be developed and implemented as one indication of the success and quality of the district's total educational program. In the case of individual students, standardized achievement tests, in combination with other criteria, can provide an indication of student achievement. When appropriate, students may also be tested for mental ability, aptitude and interest.

The purposes of the district-wide testing program are to facilitate and provide information for the following:

1. **Student Achievement** - To produce information about relative student achievement so that parents/guardians, students and teachers have a baseline against which to monitor academic progress. Within the limitations of group testing instruments, the information should be useful to serve as a validation device for other measures of student progress.
2. **Student Counseling** - To serve as a tool in the counseling and guidance of students for further direction and for specific academic placement.

3. Instructional Change - To provide data which will assist in the preparation of recommendations for instructional program changes to:

- a. Help teachers with instructional decisions, plans and changes regarding classroom objectives and program implementation;
- b. Help the professional staff formulate and recommend instructional policy; and
- c. Help the Board of Education adopt instructional policies.

4. School and District Assessment - To provide additional indicators of the progress of the district toward established goals.

The testing program is an integral part of the district's needs assessment and evaluation programs. The program should be developed primarily for furnishing needed information to decision makers, including the Board, administrators, teachers, parents/guardians and students.

The needs of these various groups shall be clearly identified, and the testing program shall be limited to obtaining that information which is needed and useful.

In planning, every effort will be made to see that testing contributes to the learning process rather than detracts from it. Efforts shall be made to incorporate necessary culture-free and culture-fair tests to assure reasonably accurate measurements.

The district shall not discriminate in the methods, practices and materials used for testing, evaluating and counseling students on the basis of sex, race, national origin, creed, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

Parents shall be notified prior to any individual student testing, beyond that which is part of the regular classroom routine. Parental notification shall include the reason for the testing and an explanation of the test to be used. All such tests results shall be shared with parents.

Staff will receive in-service education in the use of designated tests, confidentiality issues and interpretation of test results.

A periodic review and evaluation of the district's testing program will be conducted.

Policy adopted:

Instruction

Survey of Students

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Prior to administering a survey, the Board of Education must approve all that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parents;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations or beliefs of the student or the student's parent/guardian.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

For surveys not funded in any part by the federal government, parents/guardians need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed above

Overall survey results following decisions must be shared with all parties who request such information.

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians, or students 18 or older, have the right to "opt the student out of participation," in writing, in the following activities;

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:
 - 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 in schools;
 - d. Tests and assessments;
 - e. Student recognition programs; and
 - f. The sale by students of products or services to raise funds for school-related activities;

2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above, or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

Note: The term "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.

The term "personal information" means individually identifiable information including a student's or parent's name, address, telephone number, or social security number.

Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum. The District shall grant reasonable access to instructional material within a reasonable period of time after a parental request is received.

Note: The term "instructional material" means instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.

(cf. 6141.11 - Curriculum Research/Experimental Projects)

(cf. [6161](#) - Equipment, Books and Materials: Provision/Selection)

(cf. [6161.1](#) - Evaluation/Selection of Instructional Materials)

(cf. 6161.12 - Reconsideration of Materials)

Legal Reference: Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232h Protection of Pupil Rights Amendment, as amended by the Every Student Succeeds Act, Pub. L. 114-95

Regulation 34 CFR Part 98 (PPRA Regulations)

Policy adopted:

Instruction

Special Education

Pre-School Special Education

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

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

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

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

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

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

The Board directs the Superintendent or his/her designee to ensure that the District considers that adequate and appropriate space and personnel are made available for such programs and services.

Tuition

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

Legal Reference: Connecticut General Statutes

[10 76a](#) Definitions.

[10 76b](#) State supervision of special education programs and services.

[10 76c](#) Receipt and use of money and personal property.

[10 76d](#) Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114)

[10 76e](#) School construction grant for cooperative regional special education facilities.

[10 76f](#) Definition of terms used in formula for state aid for special education.

[10 76g](#) State aid for special education.

[10 76h](#) Special education hearing and review procedure. Mediation of disputes.

[10 76i](#) Advisory council for special education.

[10 76j](#) Five year plan for special education.

[10 76k](#) Development of experimental educational programs.

State Board of Education Regulations.

[10 76m](#) Auditing claims for special education assistance.

[10 76a 1](#) et seq. Definitions.

[10 76b 1](#) through [10 76b 4](#) Supervision and administration.

[10 76d 1](#) through [10 76d 19](#) Conditions of instruction.

[10 76h 1](#) through [10 76h 2](#) Due process.

[10 76l 1](#) Program Evaluation.

[10 145a 24](#) through [10 145a 31](#) Special Education (re teacher certification).

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

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

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

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

Policy adopted:

Instruction

Alternative Education Programs

The purpose of this policy is to recognize the need for alternative education programs for some District students.

The Board of Education (Board) is dedicated to providing educational options for all students within available financial constraints. It is recognized there will be students in the District whose needs and interests are best served by participation in an alternative education program.

"Alternative education" means a school or program maintained and operated by the Board that is offered to students in a nontraditional educational setting and addresses the social, emotional, behavioral and academic needs of such students.

The Board may provide alternative education to students in accordance with the guidelines established by the State Board of Education. Such guidelines shall include, but not be limited to, a description of the purpose and expectation of alternative education, criteria for student eligibility, and criteria for how and when a student may enter or exit alternative education.

In providing alternative education to students, the Board may use space in an existing school or establish a new school. Such programs must comply with state laws pertaining to the number and length of school days in an academic year and shall be subject to all other federal and state laws governing public schools.

The Board may form a cooperative arrangement with other boards of education, to provide alternative education pursuant to C.G.S. [10-158a](#).

Such an arrangement may include the establishment of a committee to supervise the program, with committee membership determined by cooperating boards. Such committee shall have the power, in accordance with the terms of the agreement, to (1) apply for, receive directly and expend on behalf of the school districts which have designated the committee an agent for such purpose any state or federal grants which may be allocated to school districts for specified programs, the supervision of which has been delegated to such committee, provided such grants are payable before implementation of any such program or are to reimburse the committee for transportation provided to a school operated by a cooperative arrangement; (2) receive and disburse funds appropriated to the use of such committee by the cooperating school districts, the state or the United States, or given to the committee by individuals or private corporations; (3) hold title to real or personal property in trust, or as otherwise agreed to by the parties, for the appointing boards; (4) employ personnel; (5) enter into contracts; and (6) otherwise provide the specified programs, services and activities. Teachers employed by any such committee shall be subject to the provisions of the general statutes applicable to teachers employed by the board of education of any town or regional school district.

A list of alternative programs will be approved by the Board annually. The Superintendent may provide for the involvement of staff, parents and the community in recommending alternative education programs for Board approval. There shall be an annual evaluation of alternative education programs.

The Board, as required, will post on its website information about any alternative education offered, including purpose, location, contact information, staff directory and enrollment criteria. In addition, the Board recognizes its responsibility to give all children in the District who receive alternative education as nearly equal advantages as may be practicable compared to other children in the District. In addition, the Board shall annually submit to the Commissioner of Education a strategic school profile report for each alternative school or program under its jurisdiction.

Alternative education programs implemented by the District are to maintain learning options that are flexible with regard to environment, structure and pedagogy. Such programs include, but are not limited to, a separate school, tutorial instruction, small group instruction, large group instruction, counseling and guidance, computer-assisted instruction, cooperative work experience, supervised community service activities and supervised independent study.

Students, upon parent request, may be placed in an alternative education program within available financial resources if the District determines that the placement serves the student's educational needs and interests and assists the student in achieving district and state academic content standards.

Alternative language to consider:

It shall be the responsibility of the Superintendent of Schools to identify alternative program opportunities to be made available to students at risk, to recommend such alternative programs to the Board for approval, and to familiarize students and parents/guardians with the availability of such alternative programs. The Superintendent shall, through cooperative efforts with other districts, schools, agencies and organizations, periodically recommend additional or modified alternative educational programs to the Board.

(cf. 6172.11 - Relations with Charter Schools)

(cf. 6172.12 - Magnet Schools)

(cf. 6172.41 - Title I Program)

(cf. [6172.6](#) - Virtual/Online Courses)

Legal Reference Connecticut General Statutes

[10-4p\(b\)](#) Implementation plan to achieve resource equity and equality of opportunity. Assessment. Reports. (as amended by PA 15-133)

[10-15](#) Towns to maintain schools.

[10-16](#) Length of school year.

[10-158a](#) Cooperative arrangements among towns. School building projects. Student transportation.

[10-220](#) Duties of boards of education (as amended by PA 15-133)

[10-223h\(c\)](#) Commissioner's network of schools. Turnaround committees. Operations and instructional audit. Turnaround plans. Report. (as amended by PA 15-133)

PA 15-133 An Act Concerning Alternative Education

Policy adopted:

**Series 6000
Instruction**

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT - ALTERNATIVE
ASSESSMENTS FOR STUDENTS WITH DISABILITIES FOR STATEWIDE
AND DISTRICT-WIDE ASSESSMENTS**

The _____ Board of Education will, in all respects, comply with the requirements of state and federal law with regard to the special education of students with disabilities. Decisions about whether a student with a disability eligible for special education and related services under the Individuals with Disabilities Education Act shall participate in alternative assessment(s) to particular statewide or district-wide assessments shall be made by each student’s planning and placement team in accordance with applicable state and federal law.

Legal References:

Conn. Gen. Stat. § 10-14q

Individuals with Disabilities Education Act, 42 U.S.C. § 1400, *et seq.* (IDEA)
34 C.F.R. § 300.320

Connecticut Alternate Assessment (CTAA) Test Administration Manual,
Published December 9, 2016, http://ct.portal.airast.org/wp-content/uploads/CTAA_Test-Administration-Manual.pdf

CTAA and Alternate Science Learner Characteristics Inventory (LCI),
http://www.sde.ct.gov/sde/lib/sde/pdf/student_assessment/special_education/LCI.pdf

ADOPTED: _____

REVISED: _____

8/28/17

Instruction

Title I Parent Involvement

The Board of Education endorses the parent involvement goals of Title I and encourages the regular participation by parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school and community. In this policy, the word "parent" also includes guardians and other family members involved in supervising the child's schooling.

Pursuant to federal law, the District will develop jointly with, agree on with and distribute to parents of children participating in the Title I program a written parent involvement policy.

At the required annual meeting of Title I parents, parents will have opportunities to participate in the design, development, operation and evaluation of the program for the next school year. Proposed activities shall be presented to fulfill the requirements necessary to address the requirements of parental involvement.

In addition to the required annual meeting, at least three additional meetings shall be held, at various times of the day and/or evenings, for parents of children participating in the Title I program. These meetings shall be used to provide parents with:

1. Information about programs provided under Title I;
2. A description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;
3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and
4. The opportunity to bring parent comments, if they are dissatisfied with the school's Title I program, to the district level.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings through payment of transportation and childcare costs.

The parents of children identified to participate in Title I programs shall receive from the school Principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist in the education of their children at home.

Each school in the District receiving Title I funds shall jointly develop with parents of children served in the program a "School-Parent Compact" outlining the manner in which parents, school staff and students share the responsibility for improved student academic achievement in meeting State standards.

The "School-Parent Compact" shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the State's academic achievement standards;
2. Indicate the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, monitoring television watching, volunteering in the classroom, and participating, as appropriate, in decisions related to their child's education and positive use of extra-curricular time; and
3. Address the importance of parent-teacher communication on an on-going basis, with at a minimum, parent-teacher conferences, frequent reports to parents, and reasonable access to staff.

Note: Districts with more than one school participating in a Title I program may wish to consider the establishment of a district wide parent advisory council.

(cf. [1110.1](#) - Parent Involvement)

(cf. [6161.3](#) - Comparability of Services)

Legal Reference: Improving America's Schools Act, P.L. No. 103-382, Sec. 1112 Local Educational Agency Plans.

Improving America's School Act (IASA), P.L. 103-382.

PL 107-110, "No Child Left Behind Act of 2001," Title I - Improving the Academic Achievement of the Disadvantaged, Sec. 1118

Policy adopted:

**Series 6000
Instruction**

**PARENT AND FAMILY ENGAGEMENT POLICY
FOR TITLE I STUDENTS**

[Note: This policy must be developed jointly with, and agreed upon by, parents and family members of children participating in Title I programs.]

In accordance with Section 1010 of the Every Student Succeeds Act (“ESSA”), Public Law 1114-95, it is the policy of the [] Board of Education to provide parents and family members of students participating in the district’s Title I programs meaningful opportunities to participate in the education of their children within these programs. To facilitate parental and family participation, the Board encourages parents and family members of Title I eligible students to be involved in regular meetings, communications, and activities that will inform them about the district’s Title I programs, to participate in the improvement of such programs and to help improve their child’s progress within these programs.

This policy has been developed jointly with, and agreed upon by, parents and family members of children participating in Title I programs. The district shall distribute this written Parent and Family Engagement Policy to parents and family members of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The policy shall be made available to the public and updated periodically, as necessary to carry out the requirements of the parent and family engagement portion of Section 1010 of ESSA.

The Board shall conduct, with the meaningful involvement of Title I parents and family members, an annual evaluation of the content and effectiveness of this policy in improving the academic quality of the schools receiving Title I funds. The Board shall use the findings of such evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the policy. Such annual evaluation shall include identifying:

1. barriers to greater participation by parents in activities authorized by 20 U.S.C. § 6318 (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
2. the needs of parent and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

3. strategies to support successful school and family interactions.

Each year, each school within the district that is involved in Title I programs shall conduct a meeting, at a convenient time, to involve parents in the planning, review and improvement of programs funded by Title I. All parents of participating children must be invited and encouraged to attend. At this meeting, parents shall be given a description and explanation of the Title I programs, the curriculum in use at the school, the forms of academic assessment used to measure student progress, the achievement levels of the challenging State academic standards, and information regarding the importance of parental involvement and their right to be involved.

In addition to the required annual meeting, and if requested by parents, schools within the district that are involved in Title I programs shall offer opportunities for regular meetings at flexible times of the day in order to allow parents to formulate suggestions for the Board's Title I programs and their application to their child(ren)'s programs; and to participate, as appropriate, in decisions related to the education of their children. Parents will be given opportunities to participate in the joint development of the district's Title I plan, as required by Section 1006 of ESSA, and in the process of any school review and improvement in accordance with the State's plan, as required by Section 1111 of ESSA. At any time, if a parent is dissatisfied with a school's Title I program, he/she shall have the opportunity to submit comments for review at the district level.

The Board will provide the coordination, technical assistance and other support necessary to assist and build capacity of Title I schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. Parental and family engagement in Title I programs shall be coordinated and integrated with parental and family engagement strategies, to the extent feasible, under other federal, state, local and district programs.

In order to build the schools' and parents' capacity for strong parental involvement, the Board shall:

1. provide assistance to parents of students participating in Title I programs in understanding topics such as the challenging state academic standards, state and local academic assessments, the requirements under Title I, and how to monitor their child's progress and work with educators to improve the achievement of their children;
2. provide materials and training to help parents to work with their children, such as literacy training and using technology (including education about the harms of copyright piracy);

3. educate teachers, specialized instructional support personnel, staff and administrators, with the assistance of parents, about how to better communicate and work with parents;
4. to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other federal, state and local programs, including public preschool programs, conduct other activities that encourage and support parent participation;
5. ensure that information related to school and parent programs, meetings and other activities is sent to participating parents in a format and, to the extent practicable, in a language the parents can understand;
6. provide such other reasonable support for parental involvement activities as parents may request; and
7. inform parents and parental organizations of the existence and purpose of parent resource centers within the State.

School-Parent Compact

This policy further requires that each school involved in Title I programs shall jointly develop with parents of participating children a school-parent compact that outlines how parents, staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. The school-parent compact shall:

1. describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables Title I students to meet the challenging State academic standards;
2. indicate the ways in which each parent will be responsible for supporting their child's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions related their child's education and positive use of extracurricular time;
3. address the importance of ongoing teacher-parent communication through parent-teacher conferences, frequent reports to parents, reasonable access to school staff, and opportunities to volunteer, participate in, and observe their child's classroom activities; and
4. ensure regular, two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

The Board authorizes the Superintendent, or his/her designee, to develop a school-parent compact and other procedures such as those relating to meetings, parent communication and parental involvement activities, as he/she deems necessary in order to ensure compliance with this policy.

The Superintendent is required to include information about parental involvement and actions taken to improve parental involvement in the strategic school profile he or she submits annually to the Board of Education and Commissioner of Education. Such actions to improve parental involvement may include methods to engage parents in the planning and improvement of school programs and to increase support to parents working at home with their children on learning activities.

Connecticut General Statutes:

10-220(c) Duties of Boards of Education

Federal Law:

20 U.S.C. § 6318, as amended by Every Student Succeeds Act, Pub. L. No. 114-95, § 1010 (2015).
20 U.S.C. § 7801. Definitions

ADOPTED: _____
REVISED: _____

7/5/2016

SAMPLE LETTER FOR PARENTS

[Insert School Letterhead]

[Parents Name]
[Parents Address]

[Date]

Re:

[Insert School Letterhead]

[Parents Name]
[Parents Address]

[Date]

Re: Meeting for Parents of Students Participating in Title I Programs

Dear **[insert parent name]**:

Each year, **[insert name of school]** must conduct a meeting to involve parents of students participating in programs conducted under Title I of the Every Student Succeeds Act of 2015 in the planning, review and improvement of programs funded by Title I. This year, the meeting will be held on **[insert date, time]** at **[insert location of meeting]**.

At this meeting, parents will be provided with a description and explanation of the Title I programs available in the district, the curriculum in use at the school, the forms of academic assessment used, the challenging State academic standards, and information regarding the importance of parental involvement. We welcome this opportunity to speak with parents of participating students and to inform you of the important work being done within our school. All parents of students participating in Title I programs are encouraged to attend and participate in the discussion.

For your convenience and information, enclosed with this letter is a copy of the **[insert town]** Board of Education's Parent and Family Engagement Policy for Title I Students. We look forward to seeing you on **[insert date and time]**.

Sincerely,

[insert name of building principal]

Enclosure

Cc: **[insert name of Superintendent]**, Superintendent of Schools
Revised 7/5/2016

SAMPLE

[Note: This compact must be developed jointly with parents of students participating in Title I programs. Districts must work jointly with parents to develop more specific strategies to foster a strong alliance among parents, teachers and students in order to improve academic achievement.]

Parent-School Compact

Parents, students and staff involved in Title I programs within the [] School District agree to share responsibility for improving student academic achievement. In furtherance of this agreement, these parties agree to the following:

The [] school [or school district] shall be responsible for:

- *providing high-quality curriculum and instruction in a supportive and effective learning environment that enables students in the [name of school] Title I program to meet the challenging state academic standards;*
- *communicating with parents regarding their child's progress and providing timely information about Title I programs and assessment tools;*
- *encouraging ongoing communication between teachers and parents;*
- *educating staff about the importance of parental involvement;*
- *providing, at minimum, annual parent-teacher conferences during which the school-parent compact will be discussed as it related to the individual child's achievement;*
- *providing frequent reports to parents on their child's progress;*
- *providing reasonable access to school staff;*
- *providing opportunities for parents to volunteer, participate in and observe their child's classroom activities; and*
- *ensuring regular, two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.*

Teachers participating in Title I programs shall be responsible for:

- *communicating with parents on an ongoing basis;*
- *participating in parent-teacher conferences, at least annually, during which the school-parent compact will be discussed as it relates to the individual child's achievement;*
- *providing frequent reports to parents on their child's progress; and*
- *providing opportunities for parents to volunteer, participate and observe their child's classroom activities.*

Parents shall be responsible for supporting their child's learning in the following ways:

- *volunteering in their child's classroom;*
- *encouraging positive use of their child's extracurricular time; and*
- *participating, as appropriate, in decisions relating to their child's education.*

7/5/16
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Students

Attendance and Excuses

Attendance

Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until ages six or seven. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age seventeen.

A student is considered to be "in attendance" if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent. A student not meeting the definition of "in attendance" shall be considered absent.

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The Board of Education requires that accurate records be kept of the attendance of each child, and students should not be absent from school without parental knowledge and consent.

Definitions (related to chronic absenteeism)

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

Absence: An excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. [10-198b](#).

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

School chronic absenteeism rate: 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.

Excuses

Note: The use of the state approved definitions of "excused" and "unexcused" absences are for state purposes for the reporting of truancy. Districts are not precluded from using separate definitions of such absences for their internal uses such as involving decisions on areas such as promotion and grading.

A student's absence from school shall be considered "excused" if written documentation of the reason for such absence has been submitted within ten (10) school days of the student's return to school and meets the following criteria:

- A. For absences one through nine, a student's absences from school are considered "excused" when the student's parent/guardian approves such absence and submits appropriate documentation to school officials.

Such 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. Documentation should explain the nature of and the reason for the absence as well as the length of the absence. Separate documentation must be submitted for each incidence of absenteeism.

- B. For the tenth absence and all absences thereafter, a student's absences from school are considered excused for the following reasons:

1. Student illness (must be verified by a licensed medical professional to be deemed excused, regardless of the length of the absence);
2. Student's observance of a religious holiday;
3. Death in the student's family or other emergency beyond the control of the student's family;
4. Mandated court appearances (documentation required);
5. The lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation required);
6. Extraordinary educational opportunities pre-approved by District administration and to be in accordance with Connecticut State Department of Education guidance.

- C. A student's absence from school shall be considered unexcused unless:

1. The absence meets the definition of an excused absence and meets the documentation requirements; or
2. The absence meets the definition of a disciplinary absence, which is the result of school or District disciplinary action and are excluded from these State Board of Education approved definitions.

When the school in which a child is enrolled receives no notification from a parent or other person having control of the child is aware of the child's absence, a reasonable effort shall be made by school personnel or volunteers under the direction of school personnel to notify by telephone and by mail such parent or other person having control of the child.

Responsibility for completion of missed classwork lies with the student, not the teacher. Unless a student has an extended illness, all make-up work will be complete within five days after the student returns to school.

Excused Absences for Children of Service Members

An enrolled student, age five to eighteen, inclusive, whose parent or legal guardian is an active duty member of the armed forces, as defined in section [27-103](#), and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the Board of Education, additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of such excused absences such child and parent or legal guardian shall be responsible to obtaining

assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

Chronic Absenteeism

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

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

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

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

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

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

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

Dismissal

No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

No teacher may permit any individual student to leave school prior to the regular hour of dismissal without the permission of the Principal.

No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.

(cf. [5142](#) - Student Safety)

(cf. [5113.2](#) - Truancy)

(cf. 6113 - Released Time)

Legal Reference: Connecticut General Statutes

[10-184](#) Duties of parents (as amended by PA 98-243, PA 00-157 and PA 18-15)

[10-185](#) Penalty

[10-198a](#) Policies and procedures concerning truants (as amended by P.A.11-136, An Act Concerning Minor Revisions to the Education Statutes and PA 14-198, An Act Concerning Excused Absences from School for Children of Service Members, and PA 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee)

[10-198b](#) State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absence"

[10-198d](#) Chronic absenteeism (as amended by PA 17-14 and PA 18-182)

[45a-8c](#) Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-25)

[10-199](#) through [10-202](#) Attendance, truancy - in general

Action taken by State Board of Education on January 2, 2008, to define "attendance."

Action taken by State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

PA 17-14 An Act Implementing the Recommendations of the Department of Education

Policy adopted:

WPS Existing

Students

Attendance/Excuses/Dismissal

The Board of Education and the Administration believe that regular attendance is important because:

- It assures that students will receive the necessary formal instruction from teachers, and the appropriate services of other professional staff.
- It makes it possible for teachers to get to know students well.
- It provides opportunities for class discussion, laboratory work and other exploratory activities, work on group projects, interaction with teachers and classmates, library work, and other experience that contribute to educational growth.
- It permits the student to enter fully into the life of the school - to participate in sports, or other extra-curricular activities and school cultural and social events.

Therefore, in compliance with State law, the Board of Education:

1. Requires students to attend school regularly.
2. Discourages parents from taking children on vacations when school is in session.
3. Discourages parents from keeping children out of school for a day or requesting early dismissals for any but important health related reasons.
4. Directs school staff members, through their work with parents and students, to foster the value of regular school attendance and to establish procedures to assure that each student (including those beyond the compulsory school age) attend school regularly.
5. Directs the administration, in cases of truancy to pursue any and all courses of action necessary, including working with other appropriate agencies, to insure that students of compulsory school age, are in compliance with the law.
6. Encourages students beyond compulsory school age to remain in school through graduation, or, if they have left school, to return to school or to explore other alternatives for continuing their high school education.
7. Directs administrators and other staff members to facilitate the return of drop-outs, and/or to help students explore alternative ways of earning their high school diplomas.

Legal Reference: Connecticut General Statutes

[10-184](#) Duties of parents (as amended by PA 98-243 and PA 00-157)

[10-185](#) Penalty

[10-199](#) through [10-202](#) Attendance, truancy - in general

Policy adopted: December 16, 2002

Students**Truancy****Introduction and Definitions**

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

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

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

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

"Absence" means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to CGS [10-198b](#).

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

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

Remediation of Truancy

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

1. Notify parents annually of their obligations under the attendance policy.
2. Obtain telephone numbers for emergency record cards or other means of contacting parents or other persons having control of the child during the school day.
3. Establish a system to monitor student attendance.
4. Make a reasonable effort by telephone and by mail to notify parents or other persons having control of the child, enrolled in grades one through eight, inclusive, when a child does not arrive at school and there has been no previously approval or other indication which indicates parents are aware of the absence. (Note: Persons who in good faith give or fail to give notice pursuant to this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have immunity with respect to any judicial proceeding which results from such notice or failure to give notice.)
5. Identify a student as "truant" when the student accumulates four unexcused absences in any month or ten in a school year.
6. Identify a student as "chronically absent" when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
7. Appropriate school staff meet with parents of a child identified as truant or chronically absent to review and evaluate the situation, within ten days of such designation. Such meeting may involve the school or District Attendance Team.

Students so identified may be subject to:

- (a) retention in the same grade to acquire necessary skills for promotion or retention.
- (b) a requirement to complete a summer school program successfully before being promoted to the next grade.
8. When a petition is filed, an educational evaluation of the truant student shall be done by appropriate school personnel if no such evaluation has been performed within the preceding year.
9. Provide coordination of services and refer "truants" to community agencies which provide child and family services.
10. If in existence, refer the child to the children's probate court truancy clinic.

The Board, on or before 8/15/18, shall implement a truancy intervention model identified by the Connecticut State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as identified by the Commissioner of Education. The intervention models must also address the needs of students with disabilities. Parents or other persons having control of each child shall be notified of such truancy model. (Note: The SDE is required to identify these effective truancy intervention models by 8/15/18.)

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

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

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

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

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

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

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

Legal Reference: Connecticut General Statutes

- [10-184](#) Duties of parents. (as amended by PA 98-243, PA 00-157 and PA 18-15)
 - [10-198a](#) Policies and procedures concerning truants (as amended by PA 00-157, P.A. 11-136 and PA 16-147)
 - [10-198b](#) State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absences"
 - [10-198c](#) Attendance review teams (as amended by PA 17-14)
 - [10-198d](#) Chronic absenteeism (as amended by PA 18-182)
 - [10-198e](#) Identification of truancy identification models (as amended by PA 18-182)
 - [10-199](#) through [10-202](#) Attendance, truancy in general. (Revised, 1995, PA 95-304)
 - [45a-8c](#) Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)
 - [10-220\(c\)](#) Duties of boards of education (as amended by PA 15-225)
 - [10-202e f](#) Policy on dropout prevention and grant program.
 - [10-221\(b\)](#) Board of education to prescribe rules. *Campbell v New Milford*, 193 Conn 93 (1984).
- Action taken by the State Board of Education on January 2, 2008, to define "attendance."
- Action taken by the State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

Policy adopted:

R5113.2

Students

Truancy

Unexcused Absences/Truancy

In accordance with Board policy regarding truancy (unexcused absences), the following regulations pertain:

1. Twenty Absence Limit. No student may receive course credit for a full year course after having been absent from that course more than twenty (20) class periods during the school year. These absences will be pro rated for other than full year courses and for courses meeting other than five (5) periods per week. All absences in a class will be counted except those incurred while a student participates in school sponsored activities and/or essential administrative business.

2. Waiver of Policy. A student who has accumulated more absences than allowed by the policy, but who feels that the situation warrants special consideration, may appeal to the administration for a waiver increasing the number of allowable absences for that particular student. At the discretion of the administration, the parent may be requested to appear at the hearing to verify the legitimacy of the appeal.

Waivers are to be applied in a systemic manner. The administrator will consider all approved absences and any extenuating circumstances and render an impartial judgment.

3. Grade Reduction for Unapproved Absences. Students will be warned by teachers upon the first unexcused absence from a class. For each subsequent unexcused absence from that class, the student's grade for the marking period will be reduced by five (5) points. However, in applying this policy, a student's grade may not be reduced more than 50 points in any marking period.

At the beginning of each marking period, automatic grade reductions will begin anew, although the accumulation toward the twenty maximum for the full year course is cumulative for the year.

Upon recommendation of the teacher, the principal may adjust a grade when a student's outstanding performance for the latter portion of a marking period may not otherwise be recognized appropriately because of policy grading restrictions.

4. Student Responsibilities. Students are responsible for regular attendance in all classes to benefit from continuity of instruction, sequential presentation of material, class interaction, and the attendant self discipline and responsibility.

It is a student responsibility to have absences approved and notify his/her teachers by presenting approval verification at the next class meeting.

5. Teacher Responsibilities

A. At the first confirmed unexcused absence from a class, as determined by the administration, the teacher will:

- (1) Notify the student that for each unexcused absence after this warning the student's grade will be reduced by five (5) points.
- (2) Notify the office on the designated form of the unexcused absence as soon as confirmed. The teacher or the office will in turn notify the parent of the absence and the consequences.

B. For every subsequent unapproved absence, the teacher will:

- (1) Inform the student that his/her grade for the marking period will be reduced by five (5) points.
- (2) Notify the administrator and guidance counselor involved on the designated form of the action taken.
- (3) When a student has accumulated either four unexcused absences in one month or ten unexcused absence in a school year, the teacher will send the designated form to the office notifying the administrator, guidance counselor and parent of the student's attendance problem. Within ten (10) days of the last unexcused absence, the guidance counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.
- (4) When a student has accumulated half the maximum allowable number of absences (excused and unexcused) in a course, the teacher will send the designated form to the office notifying the administrator, guidance counselor, and parent. The guidance counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.

All absences are to be recorded in the teacher's record book even though they may be school approved. Teachers will maintain class attendance records and submit them to the administration on the final day of school.

C. Teachers should, when practical, obtain at least one grade or mark per week for each student. Marks or grades can come from a variety of sources, e.g., homework, class participation, projects, quizzes, etc., and the sources of grades and their weights are at the teacher's discretion.

6. Counselor Responsibilities. The guidance counselor will:

A. At the first unexcused absence, arrange a conference with the student to provide counseling and make any required program adjustments.

B. When notified that the student's grade has been reduced for the second time because of unexcused absences, arrange a conference between the student and guidance counselor.

C. Arrange a meeting within ten (10) days of the fourth unexcused absence in a month or the tenth unexcused absence during the school year.

7. Administrative Responsibilities. Whenever a child enrolled in school, ages five (5) to eighteen (18) inclusive, unless such child has either graduated from high school or withdrawn with written parental/guardian permission at ages sixteen or seventeen fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent, (or other person having control of the child), is aware of the student's absence, a reasonable effort to notify, by telephone, the parent or such other person shall be made by school personnel or volunteers under the direction of the school Principal.

The school administration will make early concentrated efforts to prevent and remedy truancy in its beginning stages. These efforts will include

A. For the student's first unexcused absence from a course which results in grade reduction, the administrator will:

- (1) Confer with the student.
- (2) Inform the parent by phone and by mail.
- (3) Arrange for the student to meet with his/her guidance counselor if the situation warrants.

B. For the second and third unexcused absence and for the third unapproved absence thereafter, the administrator will:

- (1) Notify the parent by phone and by mail.
- (2) Confer with the student.
- (3) Enforce disciplinary measures or arrange for referral services as appropriate. This may include referral to the student assistance team (SAT) or other student assistance programs.

C. The school will have the appropriate staff member(s) arrange a meeting with the parent (or other person having control) of the child who is truant within ten (10) school days after the child's fourth unexcused absence in one month or tenth unexcused absence in one school year. At this meeting a designated staff shall coordinate services with and referrals of children to community agencies providing child and family services.

The Superintendent of Schools shall bring the child's case to Superior Court under the Families with Service Needs law if the parent (or other person having control fails to:)

- 1) attend the required meeting to evaluate why the child is truant, or
- 2) cooperate with the school in trying to solve the truancy problem.

E. When a student's outstanding performance for the latter portion of a marking period may not fully be acknowledged because of the grading restrictions of this policy and upon teacher recommendation, the principal may review the circumstances and adjust the student's grade.

F. At the beginning of each new school year, any student who has had twenty or more unexcused absences will be identified as an "at risk student" and monitored by appropriate staff. A letter will be sent to parents, and the attendance officer and school social worker will meet with the student to discuss the importance of regular attendance.

8. Method of Reporting. Four basic forms will be utilized to implement this policy:

- A. Excused Absence Form - for students to verify an excused absence upon confirmation.
- B. Unexcused Absence Notice - for teachers to inform the office of each unexcused absence.
- C. Midpoint Warning Notice - for teachers, this four part form notifies the office when students reach half the maximum specified number of absences.
- D. Final Notice - completed by teacher when student reaches 20 absences in a full year course or 10 absences in a semester course.

9. Truancy Intervention Model

The District, on or before 8/15/18, will implement a truancy intervention model, identified by the State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as determined by the Commissioner of Education. (Parents shall be notified of such intervention model.) Such models shall also address the needs of students with disabilities.

Chronic Absenteeism

An attendance review team shall be established when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the district chronic absenteeism rate is 10 percent or higher;

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

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

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

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

The District will include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

For Alliance Districts:

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

Tardiness to School or Class

Continued tardiness by a student is a serious problem. Students are expected to be in their places, ready for work, at the bell.

Legal Reference: Connecticut General Statutes

[10-184](#) Duties of parents.

[10-198a](#) Policies and procedures concerning truants. (Revised by PA 95-304 and PA 00-157, PA 11-136 and PA 16-147)

[10-198b](#) State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absences"

[10-198c](#) Attendance review teams (as amended by PA 17-14)

[10-198d](#) Chronic absenteeism (as amended by PA 18-182)

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

[10-199](#) through [10-202](#) Attendance, truancy in general.

[10-202e-f](#) Policy on dropout prevention and grant program.

[10-22\(c\)](#) Duties of boards of education (as amended by PA 15-225)

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

[46b-149](#) Family with Service Needs.

Campbell v New Milford, 193 Conn 93 (1984)

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

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

Regulation approved:

**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:

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)

ADOPTED _____
REVISED: _____

8/12/18

**Series 5000
Students**

**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 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) school days of the student’s return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (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

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 (5) to eighteen (18), 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 present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
 6. "Student" - a student enrolled in the _____ 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, which is not excused or considered 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

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;
 - 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 his/her 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 his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

C. Extraordinary Educational Opportunities

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

- 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;

- 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.

D. 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."

E. 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 D.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 D.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.

F. 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 in accordance with applicable law.

G. 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 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.

*[*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.]*

H. 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 of Education (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 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.

I. 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, as defined under I.A.7, 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)

APPROVED: _____

REVISED: _____

8/12/18

SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE*

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “[e]ach 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. . . . 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. Such parent or person shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance 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 community. 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 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.]

7/26/17

**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

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 _____.

7/26/17

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)

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 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: _____

Students**Attendance/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, through its Superintendent, will adopt and maintain procedures to implement this policy.

Legal References: Connecticut General Statutes §[10-220](#)

Connecticut General Statutes §[10-184](#)

Connecticut General Statutes §[10-186](#)

Connecticut General Statutes §[10-198a](#)

Public Act [11-136](#), An Act Concerning Minor Revisions to the Education Statutes

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

Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)

Policy adopted: October 22, 2007

5113.1

Students**Attendance/Truancy****A. Definitions:**

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. "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.
3. "Excused absence" - an absence from a regularly scheduled school day for at least one-half of the school day; which absence, as determined by the building principal or his/her designee, is for:
 - a. reasons of health, including illness, incapacity, or doctor's visits. The administration reserves the right to require physician or other appropriate certification for health-related absences.
 - b. religious holidays.
 - c. court appearance.
 - d. funeral or death in the family.
 - e. approved school activities, including field trips.
 - f. suspension or expulsion.
 - g. in limited circumstances, special activities or emergencies with the consent of the parent or other person having control of the child.
4. "In Attendance" - any day during which a student 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.
5. "Student" - a student enrolled in the Westport Public Schools
6. "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.
7. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which absence is not an excused absence as defined above.

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. 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."

C. Readmission to School Following Voluntary Withdrawal

1. If a student voluntarily withdraws from school (in accordance with Section B.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 B.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.

D. 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.
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.

E. 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 Westport Public Schools.
- 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.]** Mailed notice of the student's absence shall include a warning that

two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. 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.

F. 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 parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, with fifteen calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b - 149 alleging the belief that the acts or omissions of the truant are such that his/her family is a family with service needs.
- 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. If a FWSN petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.
 - i) For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team **[or other appropriate school based team]**. Upon completion of the evaluation of a regular education student, the Child Study Team **[or other appropriate school based team]** shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions. Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.
 - ii) In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student's need for special education services and the need, if any, to write and/or revise the student's individualized education program ("IEP").

G. Reports to the State Regarding Truancy Data:

Annually, each local and regional board of education shall include information regarding truancy 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.

Regulation approved: October 22, 2007

Students**Student Records; Confidentiality**

Educational records, defined as records directly related to a student, will be kept for each student and will reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

The Board of Education recognizes the need to comply with the legal state and federal requirements regarding the confidentiality, access to and amendment of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, and its implementing and revised regulations and the Connecticut General Statutes.

Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto. Access to inspect or review a student's educational record or any part thereof may include the right to receive copies under limited circumstances.

For the purposes of this policy:

"Parent" means a natural parent, an adopted, or a legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated the parent granted custody and the parent not granted custody of a minor child both have the right of access to the academic, medical, hospital, or other health records of the child, unless a court order prohibits access. Whenever a student has attained the age of 18 years or is attending an institution of post secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the student shall thereafter only be required of, and accorded to, the student. A parent who is incarcerated is also 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 in situations (1) where such information is considered privileged as defined in C.G.S. 10-154a, (2) such incarcerated parent has been convicted of sexual assault, or aggravated sexual assault, or (3) such incarcerated parent is prohibited pursuant to a court order.

"Student" means an individual who is or has been "in attendance" in person at an educational agency or institution for whom education records are maintained. It also includes those situations in which students "attend" classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.

"Student record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Student records include information relative to an individual student gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Any information maintained for the purpose of review by a second party is considered a student record. Records that pertain to an individual's previous attendance as a student are "education records" under FERPA regardless of when they were created or received within the school system. Student records shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. Records of the law enforcement unit of the District or school are not considered student records.

"Law Enforcement Unit" means an individual office, department, division, or other component of an education 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.

"Substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

"School Official" means 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, medical consultant, or therapist), 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/her tasks.

"Authorized Representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §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.

"Education Program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

"Early Childhood Education Program" means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

"Directory Information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent's name and/or e-mail address, student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

A student's social security number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

A student's ID number or other unique personal identifier that is displayed on a student ID badge is considered directory information, but only if 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, password, or other factor known or possessed only by the authorized user.

The Superintendent shall be responsible for ensuring that all requirements under federal and state statutes shall be carried out by the district. He/She will develop procedures (administrative regulations) providing for the following:

1. Annually informing parents of their rights.
2. Permitting parents to inspect and review educational records, including, at least, a statement of the procedure to be followed by a parent or eligible student who requests to inspect and review the educational records, with an understanding that the procedure may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent/guardian with an opportunity to seek the correction of the student's education records through a request to amend the records. If the District decides that an amendment of the records as requested is not warranted, to inform the parent/guardian or eligible student and advise him/her of the right to a hearing and permitting the parent/guardian or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within five days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions that their prior consent is not required to disclose information.
10. Ensuring the orderly retention and disposition, per applicable state statutes, of the districts student records.
11. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. Parents or eligible students may request that the District not release this information, and the District will comply with the request.
12. Notifying parents annually of the District's policy on the collection 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, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[7-109](#) Destruction of documents.

[10-15b](#) Access of parent or guardians to student's records. (as amended by PA 17-68, Section 4)

[10-154a](#) Professional communications between teacher or nurse & student.

[10-209](#) Records not to be public.

[10-221b](#) Boards of education to establish written uniform policy re: treatment of recruiters.

[11-8a](#) Retention, destruction and transfer of documents

[11-8b](#) Transfer or disposal of public records. State Library Board to adopt regulations.

[46b-56](#) (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V Disposition of Education Records (Revised 1983).

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.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008)

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331

PL 112-278 "The Uninterrupted Scholars Act"

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

Policy adopted:

R5125

Students

Student Records; Confidentiality

Definitions

As used in this regulation:

1. **"Student"** means an individual who is or has been "in attendance" in person at an educational agency or institution for whom education records are maintained. It also includes those situations in which students "attend" classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.
2. **"Student Record"** means any item of information directly related to an identifiable student, other than directory information, which is maintained by the school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school district, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of review by a second party is considered a student record.

"Student Record" shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record. Employment records used only in relation to a student's employment by the district are not considered student records. In addition student records do not include alumni records that contain information about the student after the student is no longer in attendance, records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement or records of an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

"Substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of notes in his or her position. Medical records are not open to public inspection.

"Post-enrollment Records" means that records that pertain to an individual's previous attendance as a student are "education records" under FERPA regardless of when they were created or received by the institution.

3. **"Directory Information"** means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent's name and/or e-mail address, student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

A student's Social Security Number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

A student's ID number or other unique personal identifier that is displayed on a student ID badge is considered directory information, but only if 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, password, or other factor known or possessed only by the authorized user.

4. "Parent" means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student, unless parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1956.

5. "School Official" means 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, medical consultant, or therapist), 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/her tasks.

6. "Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means. It is also permitted to return an educational record to the provider or creator of the record, including the return of a questionable document to the purported sender for verification of information in the document.

7. "Personally Identifiable Information" includes but is not limited to the student's name, the name of the student's parent or other family member, the address of the student or student's family, a personal identifier such as the student's Social Security Number or student number, or "biometric records" (a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics and handwriting), a list of personal characteristics or indirect identifiers, such as the name of the student's parent or other family members and the date and place of birth and mother's maiden name, or other information that would allow a reasonable person in the school or community who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

8. "Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

9. "Access" means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.

10. "Student" means a person who is or was enrolled in a school.

11. "Adult student" means a person who is or was enrolled in school and who is at least eighteen (18) years of age.

12. "Eligible Student" means a student or former student who has reached eighteen years (18) of age or who is attending an institution of post-secondary education or is an emancipated minor.

13. "Law Enforcement Unit" means an individual office, department, division, or other component of an education 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.

14. "Legitimate Education Interest" means the need for a school official to review an educational record in order to fulfill his/her professional responsibilities.

15. "Signed and Dated Waiver Consent" means signed and dated written consent to disclose personally identifiable student information from a student's 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 consent.

16. "Authorized Representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §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.

17. "Education Program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

18. "Early Childhood Education Program" means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

Types of Records

The school district shall maintain only the following three categories of records:

1. "Mandatory Permanent Student Records" are those records which are maintained in perpetuity (at least 50 years) and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:

- A. Legal name of student, address, gender of student
- B. Date of birth, place of birth
- C. Method of verification of birth date
- D. Name and address of parent of minor student
 - (1) Address of minor student if different than the above
 - (2) An annual verification of the name and address of the parent and the residence of the student
- E. Entering and leaving date of each school year and for any summer session or other extra session
- F. Subjects taken during each year, half year, summer session, or quarter
- G. Academic achievement (grades, transcripts)
- H. Level of academic achievement (class standing/academic level)
- I. If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
- J. Verification or exemption from required immunizations
- K. Date of high school graduation or equivalent
- L. Student activities and significant awards

2. "Mandatory Interim Student Records" are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations (6 years following the student's graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records), or authorized administrative directive. Such records include the following:

- A. A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefor. (Exception from listing, see Access Log, #2.)
- B. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver. (Comprehensive Health Record)
- C. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
- D. Language training records.
- E. Progress slips and/or notices.
- F. Parental restrictions regarding access to directory information or related stipulations.
- G. Parent or adult student rejoinders to challenged records and to disciplinary action.
- H. Parental authorizations or prohibitions of student participation in specific programs.
- I. Results of standardized tests administered within the preceding three years.

Note: Disciplinary records of suspension and expulsion are subject to being expunged according to state and federal statutes.

3. "Permitted Records" are those records having clear importance only to the current educational process of the student. Such records may be destroyed after 6 years following the student's graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records. Such records may include the following:

- A. Objective counselor and/or teacher ratings
- B. Standardized test results older than three years
- C. Routine discipline data
- D. Verified reports of relevant behavioral patterns
- E. All disciplinary notices

1. Custodian of Records

A. (Name of certified person) is hereby designated as custodian of student records. The address of the custodian is (please indicate the title of the appropriate person).

(1) The custodian is charged with district wide responsibility for implementing Board of Education policies and administrative regulations relating to student records.

(2) The custodian shall be responsible for security of student records and shall devise procedures for assuring that access to such records is limited to authorized persons.

(3) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.

B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

2. Files

A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.

B. Student records shall be stored in locked containers (files) or rooms.

3. Information

A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.

Access to Student Records

1. School Officials

A. School officials, as defined, have access to students' educational records without consent, if the official has been determined to have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

B. Contractors, consultants, volunteers, and other parties to whom a school has out sourced services or functions are considered "school officials" who may have access to student records, without parental consent, if the following conditions are met:

- The party is under the direct control of the school.
- The party is subject to the same conditions governing the use and redisclosure of education records applicable to other school officials.
- The contractor must ensure that only individuals with legitimate educational interests, as determined by the district or school, obtain access to the education records. The contractor may not redisclosure personally identifiable information without consent unless the district or school has authorized the redisclosure under a FERPA exception and the district or school records the subsequent disclosure.

C. The district or school may not disclose education records to an outside service provider unless it has specified in its annual FERPA notification to parents/students that it uses contractors, consultants, volunteers, as "school officials" to provide certain institutional services and functions.

D. In controlling access to education records by school officials and outside service providers, schools must:

(1) Use "reasonable methods" to ensure an official is given access to only those education records, paper or electronic, in which the official has a legitimate educational interest.

(2) Schools may use such methods as:

- Physical controls such as locked filing cabinets;
- Technological controls such as role-based access controls for electronic records;
- Administrative policies, in lieu of physical or technological controls. Such policies must be effective in controlling access.

(It is recommended that access to education records by school officials be tracked.)

2. Parents

- A. Parents of currently enrolled or former students shall have an absolute right during regular business hours to access to any and all student records related to their children which are maintained by the district. Neither the student record, nor any part thereof, shall be withheld or edited. If the student records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that student.
- B. A parent or guardian's request for access to student records shall be made in writing to the custodian of student records. Access shall be granted no later than forty-five (45) days following the date of the request.
- C. A requesting parent shall be notified of the location of all student records, if not centrally located.
- D. When a parent's dominant language is not English, the district shall make an effort to
 - (1) provide interpretation of the student record in the dominant language of the parent, or
 - (2) assist the parent in securing an interpreter.

3. Parental Consent

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released; or (b) to the student if he/she is an eligible student, or has entered a post secondary educational institution.
- B. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed. (34 CFR 9910, Rights of Inspection and Review)

4. Without Parental Consent

- A. No person or agent shall be permitted access to student records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:
 - (1) Officials and employees of other public schools or school districts, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to or is directed to enroll. The authority of the district or school to transfer education records to a student's new school continues after actual enrollment so long as the disclosure is in connection with the student's enrollment. This ensures that a school may supplement, update, or correct records sent during the student's application or transfer period. 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.

Note: Section 504 and Title II of the ADA generally prohibits post-secondary institutions from making pre-admission inquiries about an applicant's disability status. However, after admission, such institutions may request such information concerning a current student.
 - (2) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, State Education Officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law; provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
 - (3) The U.S. Attorney General or his/her designee in response to a court issued ex parte order, under the USA Patriot Act, in connection with the investigation or persecution of an offense listed in U.S.C. 2332b(g)5(B) or an act of domestic or international terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information, nor acquire consent or notice to the parent or student.
 - (4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law.
 - (5) Parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.
 - (6) Schools may disclose information received under a community notification program concerning a student who is required to register as a sex offender in the State.
 - (7) Child welfare agencies that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

- B. Information from student records may be released to the following:

- (1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the

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threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 34 CFR 99.36, Conditions for disclosure of information in health and safety emergencies.

(2) Agencies or organizations in connection with a student's application form or receipt of financial aid, provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(3) Accrediting organizations in order to carry out their accrediting functions.

(4) Organizations conducting studies for or on behalf of state educational agencies and state higher education authorities, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

Such disclosure is subject to the following FERPA requirements:

- The school does not have to initiate the research request or agree with or endorse the conclusion or results of the study.
- The school must agree with the purposes of the study and retain control over information from the education records it discloses.
- The school must have a written agreement with the receiving organization that:
 - Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed.
 - Requires the organization to use the information from education records only to meet the purpose or purposes of the study stated in the agreement.
 - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests.
 - Requires the organization to destroy or return all personally identifiable information when no longer needed for purposes of the study.
 - Specifies the time period in which the information must be returned or destroyed.

Note: It is recommended that whenever possible agencies and institutions either release de-identified information or remove student's names and Social Security Numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

(5) Officials and employees of private schools or school districts where the student is enrolled or intends to enroll subject to the rights of parents by law.

(6) An agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the education needs of the students and authorized by such agency or organization to receive such disclosure.

C. No person, persons, agency, or organization permitted access to student records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student's parent; provided, however, that this paragraph shall not be construed to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within the district so long as such persons have an equal legitimate interest in the information.

D. Education records may be released without consent if all personally identifiable information has been removed. The district must reach a "reasonable determination" that a student's identity is not personally identifiable because of unique patterns of information about that student, whether through single or multiple releases, taking into account other reasonably available information. Also, de-identified student level data may be released for the purpose of educational research by attaching a code to each record. It may be necessary to look to local news, events, and media coverage in the "school community" in determining, in a highly publicized incident, whether other information would make a particular record personally identifiable even if all direct identifiers have been removed.

5. Court Order

A. Information concerning a student shall be furnished in compliance with a court order.

(1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any student's records pursuant to a court order, give the parent and the student three days notice, if lawfully possible, within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notice shall be in writing if possible.

(2) Only those records related to the specific purpose of the court order shall be disclosed.

(3) When a parent is a party to a court proceeding involving child abuse or neglect, or dependency matters, and a judicial order is issued in the context of that proceeding, or pursuant to a lawfully issued subpoena, additional notice to the parent by the educational agency or institution is not required pertaining to the disclosure of the records.

B. The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photograph, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof.

Nothing in this regulation shall preclude the district from providing in its discretion statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of students.

If it is determined, per the federal regulations, that a third party improperly redisclosed personally identifiable information from education records in violation of 599.33(a), the district may not allow that third party access to personally identifiable information from education records for at least five years.

6. Disclosure to Parents of "Eligible Students" and Rights of Students

A. Rights of parents under FERPA transfer to students once the student has reached 18 years of age or is attending a post secondary institution and thereby becomes an "eligible student."

B. Disclosure to parents without student consent after FERPA rights have transferred to students is permitted under the following circumstances:

- (1) The student is a dependent for Federal income tax purposes.
- (2) The disclosure is in connection with a health or safety emergency; i.e. knowledge of the information is necessary to protect the health or safety of other individuals.
- (3) The student has violated a law or the school's rules or policies governing alcohol or substance abuse.

7. Disclosure of Information in Health and Safety Emergencies (Also see section above)

A. The district may include 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.

B. Such appropriate information concerning disciplinary action may be disclosed to teachers and school officials in the district who have been determined to have legitimate educational interests in the behavior of the student. This must be strictly construed.

C. Such appropriate information, concerning disciplinary action, may be disclosed to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

D. In making a determination, the district or school must take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If a school determines that there is an articulable and significant threat to the safety or health of a student or other individuals, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.

E. The district or school is required to record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed. "Appropriate parties" include the parents of an eligible student.

F. Pursuant to C.G.S. 19a-581 through 19a-585, confidential information concerning HIV status may not be released to anyone EXCEPT a health care provider with a written release from the parents.

8. Redisclosure of Educational Records

A. Federal and State officials that receive education records for audits, evaluation, and compliance and enforcement purposes may redisclose such records under the same conditions that apply to other recipients of education records.

B. A state educational agency that received records for audit, evaluation or compliance or enforcement purposes may redisclose records for other qualifying purposes, such as:

- (1) Forwarding records to a student's new school district;
- (2) Forwarding records to another listed official, including the Education Secretary or a post secondary authority;
- (3) Forwarding to an accrediting agency; or
- (4) In connection with a health or safety emergency.

9. Criteria

- A. "School officials and employees" as used in this regulation means district employees and elected district officers, and other parties as defined in this regulation.
- B. The following criteria shall be used in determining whether a "school official or employee" has a "legitimate educational interest".
- (1) The employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records.
 - (2) The employee has an administrative duty that requires information contained in the student's records.
 - (3) The school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion. (Or criteria can be defined by school district)
- C. The district and/or school shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records. The district and its schools may use PINS, passwords, personal security questions, "smart cards" and tokens, biometric indicators, or other factors known or possessed only by the user, as appropriate. Identification means determining who is the intended or authorized recipient of the information. Authentication means ensuring that the recipient is who he/she claims to be.

Challenging Contents of Records

1. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record.
 - A. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be:
 - (1) Inaccurate, misleading or in violation of the student's rights of privacy.
 - (2) An unsubstantiated personal conclusion or inference.
 - (3) A conclusion or inference outside of the observer's area of competence.
 - (4) Not based on the personal observation of a named person with the time and place of the observation noted.
 - B. Within 30 days of receipt of such request, the Superintendent or designee shall meet with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
 - C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
 - D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Education.
 - (1) Within 30 days of receipt of such an appeal, the Board of Education shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. The decision of the Board of Education shall be final.
 - (2) If the Board of Education sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the student's written records.
 - (3) Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board of Education unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.
 - E. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the Superintendent, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is corrected or removed.
2. Hearing Panel
 - A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel upon written request of a parent or eligible student. The hearing shall be provided to afford the opportunity 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 students. The hearing panel shall be composed of the following persons, provided the parent has given written consent to release information from the relevant student's records to the members of the panel so convened, to assist in making determinations;
 - (1) The principal of a public school other than the one at which the record is on file.
 - (2) A certified employee appointed by the parent or guardian.

(3) A parent appointed by the Superintendent or by the Board of Education, depending upon who convenes the panel.

Alternate: 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.

B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, his/her parent or guardian, or the certified employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.

C. The Principal appointed to the hearing panel shall serve as Chairperson.

D. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certified employee who recorded the information in question, if any, and if such employee is currently employed by the school system.

(1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

(2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings within a reasonable period of time after the hearing shall be forwarded to the Superintendent or the Board of Education, depending upon who convened the panel.

E. If, after the hearing, the District does not make the requested change, the parent or eligible student shall be informed of his/her right to place a statement on the record commenting on the information or stating why he/she disagrees with the record. Whenever the District discloses the record to third parties, any such statement by the parent or eligible students must also be disclosed. (34 C.F.R. §99.21)

F. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

3. Whenever there is included in any student record information concerning any disciplinary action taken by school system personnel in connection with the student, the student's parent or guardian may include in such student's record a written statement or response concerning the disciplinary action.

Directory Information

1. The following student information is declared to be directory information:

- A. Name
- B. Address
- C. Telephone number
- D. Date and place of birth
- E. Major field of study
- F. Participation in officially recognized activities and sports
- G. Weight and height of members of athletic teams
- H. Dates of attendance
- I. E-mail address
- J. Parent's name/e-mail address
- K. Degrees and awards received, including honor roll publication
- L. Most recent previous public or private school attended by the student

Note: FERPA regulations prohibits the use of a Social Security Number (SSN) as an identification element when disclosing or confirming directory information unless the student has provided written consent for the disclosure.

2. Directory information may be released to the following:

- A. Federal, state and local governmental agencies
- B. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations
- C. Employers or prospective employers
- D. Nonprofit youth organizations
- E. Military recruiters or institutions of higher learning that have requested the names, addresses, and telephone numbers of secondary school students unless parental consent is denied.

3. Subject to the provisions of C.G.S. [1 19\(b11\)](#), high schools shall provide the same directory information and on campus recruiting opportunities to military recruiters as are offered to nonmilitary recruiters or commercial concerns. (cf. [5145.14](#) On Campus Recruitment).
4. No information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media.
5. The names and addresses of students enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided, in accordance with the terms of the law, to a private school or college cooperating under state law.
6. The custodian of records will normally limit or deny the release of specific categories of directory information unless he determines that such release is required by law or is in the best interests of students.
7. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
 - A. The school shall allow a reasonable period of time after such notice has been given for a parent or guardian to inform the custodian of student records that any or all of the information designated should not be released without the parent's or guardian's prior consent.
 - B. No directory information shall be released regarding any student when a parent or guardian has notified the school that such information shall not be released.
8. Disclosure of directory information on former students is permitted without providing notice or additional opt-out opportunities. A former student's opt-out provided while he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.
9. Opt-out from directory information does not prevent a school from identifying a student by name or from disclosing an electronic identifier or instructional e-mail address in the classroom. A student does not have the right to remain anonymous in class and an opt-out may not be used to impede routine classroom communications and interactions, whether the class is held in a specified physical location or online through electronic communications.

Note: A district may adopt and implement a limited directory information policy that allows for the disclosure of directory information to specific parties, for specific purposes, or both. Such a policy must be specified in the public notice to parents/guardians and eligible students. The District must then limit directory information disclosures to those specified in the public notice.

Alternate: Limited Disclosure of Directory Information

The District limits its disclosure of directory information to the following, without prior written consent of parent/guardian or eligible student unless the District has been advised to the contrary:

1. Military recruiters or institutions of higher learning. Such disclosure is limited to the student's name, address and telephone listing.
2. Companies that manufacture class rings.
3. Companies that publish yearbooks.
4. Playbills showing a student's role in a drama or vocal production.
5. Honor roll or other recognition lists.
6. Graduation programs.
7. Sports activity sheets.

Other: _____

Access Log

1. A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interests.
2. Such listing need not include the following:
 - A. Parents or students to whom access is granted.
 - B. Parties to whom directory information is released.
 - C. Parties for whom written consent has been executed by the parent or guardian.
 - D. School officials or employees having a legitimate educational interest.
3. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the

Office of Education, an administrative head of an education agency as defined in 20 U.S.C. 1232g., and state educational authorities as a means of auditing the school system's operations.

Fee for Reproducing Records

1. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
2. The custodian of student records annually shall recommend a fee schedule for approval by the Board of Education.
3. No fee shall
 - A. effectively prevent the parents or guardians from exercising their right to inspect and review student records.
 - B. be charged for searching or retrieving a student's record.
 - C. be made for furnishing
 - (1) up to two transcripts of former student's records.
 - (2) up to two verifications of various records of former students.

Transfer of Student Records

1. Whenever a student transfers to another Connecticut public school district or to a charter school, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
 - A. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
 - B. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new school district or charter school no later than 10 days after receipt of such notification.
3. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
4. Permitted student records may be forwarded.
5. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
6. All student records shall be updated prior to transfer.
7. Parent Notification
 - A. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian at the same time it transfers the records.
 - B. If the transfer is a within state transfer, the receiving school shall notify the parents of the record transfer.
 - C. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)
 - D. The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

Retention and Destruction of Student Records

1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's or guardian's prior consent for those students who have not reached the age of eighteen years. Adult students may give consent for themselves.
2. The guide to disposal of municipal records in Connecticut is found in Connecticut General Statutes Section 7-109. For disposal of education records, see Schedule V of "Records Retention Schedules 1982" (Revised 1983) published by the Public Records Administration, Connecticut State Library, Hartford, Connecticut.
3. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Subpoenaed Records

If the school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any court proceeding, the school upon which such subpoena is served may deliver such record, or at its option a copy thereof, to the clerk of such

court. Such clerk shall give a receipt for the same and shall be responsible for the safekeeping of such records, not permitting the removal of such records from the premises of the court. The clerk shall notify the school to call for the subpoenaed record when it is no longer needed for use in court. Any such record so delivered to the clerk of the court shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena.

No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge.

Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such record indicating that such record or copy is the original record or copy thereof, made in the regular course of such business to make such record and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable time thereafter.

A subpoena directing production of such school or student records shall be served not less than eighteen (18) hours before the time for production, provided such subpoena shall be valid if served less than eighteen (18) hours before the time of production if written notice of intent to serve such subpoena has been delivered to the person in charge of such records not less than eighteen hours (18) nor more than two weeks before such time for production.

Notification of Parents

1. Parents shall be notified in writing of their rights under this regulation upon the date of the student's initial enrollment, and annually thereafter of students current attendance at the same time as notice is issued. The notice shall be in a form which reasonably notifies parents of the availability of the following specific information:
 - A. The type of student records and information contained therein which are directly related to students and maintained by the school system.
 - B. The position of the person responsible for the maintenance of each type of record.
 - C. The location of the log or record required to be maintained.
 - D. The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest."
 - E. The policies of the school district for reviewing and expunging student records, including the right to inspect and review the student's education records within 45 days of the day the school district receives a request. If circumstances effectively present the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall provide a copy of the records requested or make other arrangements for the inspection or review of the requested records.
 - F. The right of the parent or guardian to access (inspect and review) to student records.
 - G. The right to request the amendment of student education records that the parent or eligible student believes are inaccurate or misleading.
 - H. The procedures for challenging the content of student records.
 - I. The policy that no fee will be charged for up to two copies of a record.
 - J. The categories of information which the school district has designated as directory information and that pursuant to federal law, military recruiters and institutions of higher learning may request and receive names, addresses and telephone numbers of all high school students, unless their parents/guardians notify the school, in writing, not to release this information.
 - K. The right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school system to comply with the provisions of Section 438 of the Federal Education Provisions Act (20 U.S.C.A. 1232g).
 - L. The right of a parent or eligible student to a hearing regarding the request for amendment of the record if denied by the district.
 - M. The right to consent to disclosures of personally identifiable information contained in the student education record, except to the extent that FERPA authorizes disclosure without consent.

Issue/Practice of Peer Grading

The definition of "education records" excludes grades on peer-graded papers before they are collected and recorded by a teacher. Peer-grading does not violate FERPA.

Legal Reference: Connecticut General Statutes

[1](#) [19\(b\)\(11\)](#) Access to public records. Exempt records.

[7](#) 109 Destruction of documents.

[10](#) 15b Access of parent or guardian to student's records.

[10 94i](#) Rights and liabilities of surrogate parents.

[10 154a](#) Professional communications between teacher or nurse and student.

[10 209](#) Records not to be public.

[10 221b](#) Boards of education to establish written uniform policy re treatment of recruiters.

[11-8a](#) Retention, destruction and transfer of documents

[11-8b](#) Transfer or disposal of public records. State Library Board to adopt regulations.

[46b 56\(e\)](#) Access to records of minors.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93 568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008)

Connecticut Public Records Administration Schedule V Disposition of Education Records (Revised 1983).

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331

PL 112-278 "The Uninterrupted Scholars Act"

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

Regulation approved:

The Family Educational Rights and Privacy Act (FERPA)

Guidance for Reasonable Methods and Written Agreements

What is the Family Educational Rights and Privacy Act?

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, is a Federal privacy law administered by the Family Policy Compliance Office (FPCO or Office) in the U.S. Department of Education. FERPA and its implementing regulations in 34 CFR part 99 protect the privacy of students' education records and afford parents and eligible students (i.e., students who are 18 years of age or older or attend an institution of postsecondary education) certain rights to inspect and review education records, to seek to amend these records, and to consent to the disclosure of Personally Identifiable Information from education records (PII from education records).

The general rule under FERPA is that PII from education records cannot be disclosed without written consent. However, FERPA includes several exceptions that permit the disclosure of PII from education records without consent. Two of these exceptions are discussed in this document—the studies exception and the audit or evaluation exception. The two exceptions contain specific, and slightly different, requirements, described more fully in the implementing regulations (34 CFR Part 99).

What is the purpose of this document?

The audience for this document includes schools, school districts (also referred to as local educational agencies (LEAs)), postsecondary institutions, and State educational authorities (such as State educational agencies (SEAs)) that may disclose PII from education records. Our intent is to provide these entities with information about requirements and best practices for data disclosures under the studies exception and the audit or evaluation exception.

What is the Studies Exception? (see 20 U.S.C. §1232g(b)(1)(F) and §99.31(a)(6))

The studies exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

Example: An SEA may disclose PII from education records without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess what programs provide the best instruction and then duplicate those results in other districts.

What is the Audit or Evaluation Exception? (see 20 U.S.C. 1232g(b)(1)(C), (b)(3), and (b)(5) and §§99.31(a)(3) and 99.35)

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, and State or local educational authorities (FERPA-permitted entities). Under this exception, PII from education records must be used to audit or evaluate a Federal- or State-supported education program, or to enforce or comply with Federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity). The entity disclosing the PII from education records is specifically required to use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

Example: An LEA could designate a university as an authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university then may disclose, without consent, transcript data on these former students to the LEA to permit the LEA to evaluate how effectively the LEA prepared its students for success in postsecondary education.

How do you define education program?

"Education program" is an important term under the audit or evaluation exception because PII from education records can only be disclosed to audit or evaluate a Federal- or State-supported "education program," or to enforce or to comply with Federal legal requirements related to an education program. As specified in the FERPA regulations, §99.3, an education program must be principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution. For a definition of "early childhood program" please refer to §99.3 of the FERPA regulations.

Do we need to have a written agreement to disclose PII from education records without consent?

Yes. Both the studies exception and the audit or evaluation exception specifically require that the parties execute a written agreement when disclosing PII from education records without consent. The mandatory elements of that agreement vary slightly between the two exceptions.

Are there mandatory provisions for written agreements under the studies exception?

Yes. Written agreements under the studies exception must in accordance with the requirements in §99.31(a)(6)(iii)(C):

1. Specify the purpose, scope, and duration of the study and the information to be disclosed. Your agreement must specify the purpose of the study, describe its scope and its duration, and identify the information being disclosed.

2. Require the organization to use PII from education records only to meet the purpose or purposes of the study as stated in the written agreement. Your agreement must specify that the PII from education records must only be used for the study identified in the agreement.
3. Require the organization to conduct the study in a manner that does not permit the personal identification of parents and students by anyone other than representatives of the organization with legitimate interests. Your agreement must require the organization to conduct the study so as not to identify students or their parents. This typically means that the organization should allow internal access to PII from education records only to individuals with a need to know, and that the organization should take steps to maintain the confidentiality of the PII from education records at all stages of the study, including within the final report, by using appropriate disclosure avoidance techniques.
4. Require the organization to destroy all PII from education records when the information is no longer needed for the purposes for which the study was conducted, and specify the time period in which the information must be destroyed. Your agreement must require the organization to destroy the PII from education records when it is no longer needed for the identified study. You should determine the specific time period for destruction based on the facts and circumstances surrounding the disclosure and study. The parties to the written agreement may agree to amend the agreement to extend the time period if needed, but the agreement must include a time limit.

Are there mandatory provisions for written agreements under the audit or evaluation exception?

Yes. The mandatory provisions for written agreements under the audit or evaluation exception are similar to, but slightly different from, the provisions required for written agreements under the studies exception. Section 99.35(a)(3) specifically requires that the following provisions be included in written agreements under the audit or evaluation exception:

1. Designate the individual or entity as an authorized representative. Your agreement must formally designate the individual or entity as an authorized representative.
2. Specify the PII from education records to be disclosed. Your agreement must identify the information being disclosed.
3. Specify that the purpose for which the PII from education records is being disclosed to the authorized representative is to carry out an audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs. Your agreement must state specifically that the disclosure of the PII from education records is in furtherance of an audit, evaluation, or enforcement or compliance activity.
4. Describe the activity with sufficient specificity to make clear that it falls within the audit or evaluation exception. This must include a description of how the PII from education records will be used. Don't be vague - the agreement must describe the methodology and why disclosure of PII from education records is necessary to accomplish the audit, evaluation, or enforcement or compliance activity.
5. Require the authorized representative to destroy the PII from education records when the information is no longer needed for the purpose specified. Your agreement should be clear about how the PII from education records will be destroyed.
6. Specify the time period in which the PII must be destroyed. Your agreement must provide a time period for destruction. You should determine the specific time period for destruction based on the facts and circumstances surrounding the disclosure and activity. The parties to the written agreement may agree to amend the agreement to extend the time period if needed, but the agreement must include a time limit.
7. Establish policies and procedures, consistent with FERPA and other Federal and State confidentiality and privacy provisions, to protect PII from education records from further disclosure (except back to the disclosing entity) and unauthorized use, including limiting use of PII from education records to only authorized representatives with legitimate interests in an audit, evaluation, or enforcement or compliance activity. The agreement must establish the policies and procedures, consistent with FERPA and other Federal and State laws, to protect PII from education records from further disclosure or unauthorized use.

Can an entity receiving PII from education records disclose it in a way that allows individual students to be identified?

No. Absent consent from the parent or eligible student, FERPA provides that the PII from education records cannot be published in a way that would allow individual students and their parents to be identified. The organization conducting the study, audit, or evaluation can use PII from education records to conduct the study, audit, or evaluation, but results must be published in a way that protects the privacy and confidentiality of the individuals involved. For example, when publishing tables, cell suppression and other methods of disclosure avoidance can be used so that students cannot be identified through small numbers displayed in table cells.

Under the audit or evaluation exception, what is your responsibility to use "reasonable methods" to ensure that your authorized representative is FERPA-compliant to the greatest extent practicable? (§99.35(a)(2))

When you disclose PII from education records under the audit or evaluation exception, you are required to use "reasonable methods" to ensure to the greatest extent practicable that your authorized representative is FERPA-compliant. This specifically means ensuring that your authorized representative does the following:

1. Uses PII from education records only to carry out an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with, Federal legal requirements related to these programs. You should make sure that the proposed audit or evaluation is legitimate, and require in your written agreement that your authorized representative use the PII from education records only for that audit, evaluation, or enforcement or compliance activity. You should not disclose all of your PII from education records; rather, you should determine which specific elements your authorized representative needs and disclose only those.
2. Protects the PII from education records from further disclosures or other uses, except as authorized by you in accordance with FERPA. Your agreement must specify that your authorized representative may not further disclose the PII from education records, unless authorized.

Approval to use the PII from education records for one audit or evaluation does not confer approval to use it for another.

3. Destroys the PII from education records when no longer needed for the audit, evaluation, or enforcement or compliance activity. Your agreement must specify that your authorized representative is required to destroy the PII from education records when it is no longer needed and specify the time period in which the PII must be destroyed.

Are there best practices that support reasonable methods?

Yes. While it is vital for organizations to comply with FERPA and its regulations, FERPA represents the floor for protecting privacy, not the ceiling. Accordingly, the Department is also specifying best practices, in which we describe actions we recommend you take to ensure that your authorized representative is protecting privacy to the greatest extent possible. Best practices are broader than FERPA compliance and describe recommended actions you should take to ensure that your authorized representative is FERPA-compliant to the greatest extent practicable.

These best practices may apply to data sharing under both the audit and evaluation exception and the studies exception. Please keep in mind that not all of the following best practices are appropriate in every instance, and this list does not include every possible protection. Before disclosing PII from education records under one of these exceptions, you should examine the following list and tailor your practices as necessary and appropriate.

- *Convey the limitations on the data.* You should take steps to ensure your authorized representative knows the limitations on the use of the data (i.e., that the data is only to carry out the audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs).
- *Obtain assurances against redisclosure.* You should obtain assurances from your authorized representative that the data will not be redisclosed without permission, including such assurances that your authorized representative will provide you (the disclosing entity) the right to review any data prior to publication and to verify proper disclosure avoidance techniques have been used.
- *Be clear about destruction.* You should set clear expectations so your authorized representative knows what process needs to be followed for the proper destruction of PII from education records.
- *Maintain a right to audit.* You should maintain the right to conduct audits or other monitoring activities of your authorized representative's policies, procedures, and systems.
- *Verify the existence of disciplinary policies to protect data.* You may want to verify that your authorized representative has appropriate disciplinary policies for employees that violate FERPA. This can include termination in appropriate instances.
- *Verify the existence of a sound data security plan.* You may wish to verify before disclosing PII from education records that your authorized representative has a sound data security program, one that protects both data at rest and data in transmission. You have a responsibility to determine if your authorized representative's data security plan is adequate to prevent FERPA violations. The steps that you may need to take in order to verify a sound data security program are likely to vary with each situation. In some cases, it may suffice to add language to the written agreement that states what data security provisions are required. In other cases, it may be more prudent for you to take a hands-on approach and complete a physical inspection. Additionally, your written agreements could specify required data security elements, including requirements related to encryption, where the data can be hosted, transmission methodologies, and provisions to prevent unauthorized access.
- *Verify the existence of a data stewardship program.* You may want to examine your authorized representative's data stewardship program. Data stewardship should involve internal control procedures that protect PII from education records and include all aspects of data collection - from planning to maintenance to use and dissemination. The Department believes that a good data stewardship plan would have support and participation from across the organization, including the head of the organization, management, legal counsel, and data administrators, providers, and users. The plan should detail the organization's policies and procedures to protect privacy and data security, including the ongoing management of data collection, processing, storage, maintenance, use, and destruction. The plan could also include designating an individual to oversee the privacy and security of the PII from the education records it maintains. For more information, we have posted for comment a technical brief: "Data Stewardship: Managing Personally Identifiable Information in Electronic Student Education Records" that can be found at <http://www2.ed.gov/policy/gen/guid/ptac/technical-briefs.html>
- *Disclose only PII from education records that is needed.* When you consider disclosing PII from education records to an authorized representative for an audit, evaluation, or enforcement or compliance activity, you may want to explore which specific data elements are necessary for that activity and provide only those elements. You should take care to ensure that you are not disclosing more PII from education records than needed for the stated activity and purpose. You should also explore whether PII from education records is actually required, or whether de-identified data would suffice.
- *Know to whom you are disclosing data.* You may want to require your authorized representative to conduct background investigations of employees who will have access to PII from education records, or you may want to conduct these investigations yourself. Additionally, you may want to require your authorized representative to disclose past FERPA or data management violations. If you discover past violations, you would want to explore the circumstances behind the violation, and discover all information that would allow you to make an informed judgment on whether the individual or entity is likely to be a responsible data steward. This may include discovering whether the violation was covered up, including if it was voluntarily reported to affected students or FPCO, and whether appropriate breach response procedures were followed.
- *Verify training.* You may want to verify that your authorized representative has a training program to teach its employees about FERPA and how to protect PII from education records, or you may want to train your authorized representatives yourself.

Are there best practices for written agreements?

You should consider the following items for inclusion in your written agreements for work under both the audit or evaluation exception and the studies exception. We note that this list may not cover everything you want in your agreement - you should look to the facts and circumstances surrounding the disclosure agreement and include all terms necessary to be clear about roles, responsibilities, and expectations for safeguarding PII from education records.

- *Bind individuals to the agreement.* It can be important to bind not just the entity to whom you are disclosing PII from education records, but also the individuals who will be accessing that data. There are several ways to accomplish this result. One way is to identify the individuals in the agreement itself, and have them execute the agreement in their individual capacity as well as having a representative execute the agreement for the entity. Alternatively, your agreement can require individuals accessing the PII from education records to execute affidavits of nondisclosure or other documentation indicating their individual agreement to handle the PII from education records properly.
- *Agree on limitations on use of the PII from education records.* Your agreement should be clear about limitations on the use of the PII from education records, meaning that it can only be used for the activities described in the agreement. Your agreement may also address methodological limitations, for example, identifying which data sets, if any, the PII from education records may be linked.
- *Agree to not redisclose.* The most basic provision of the agreement is to make clear that the PII from education records is confidential and must not be redisclosed through direct data disclosures or publishing results that allow individuals to be directly or indirectly identified. FERPA-permitted entities may wish to require that specified disclosure avoidance methodologies be applied, or may wish to review all results prior to publication, or both.
- *Specify points of contact/data custodians.* Your written agreements should specify points of contact and data custodians (the individuals directly responsible for managing the data in question).
- *Mention Institutional Review Board (IRB) review and approval.* While FERPA does not mention IRBs, research proposals involving human subjects may have to be reviewed and approved by IRBs, if required under protection of human subject regulations of the Department and other Federal agencies. If IRB review and approval is required or expected, this may be noted in the written agreement.
- *State ownership of PII from education records.* You may wish for your agreement to be clear that, in disclosing PII from education records to an entity, you are in no way assigning ownership of the PII or records to that entity, and that it may only be redisclosed with your permission or otherwise in compliance with FERPA and its regulations.
- *Identify penalties.* Your agreement could include penalties under State contract law such as liquidated damages, data bans of varying length, and any other penalties the parties to the agreement deem appropriate. You may want your agreement to create third-party beneficiary rights, e.g., allowing parties injured by a data breach to sue for damages. While FERPA itself has little flexibility for sanctions, you can include a wide range of appropriate sanctions in your written agreements.
- *Set terms for data destruction.* As discussed previously, written agreements for both studies and audits and evaluations are required to contain provisions dealing with the destruction of PII from education records when those records are no longer needed. The agreement could include a method for documenting the destruction, such as the use of notarized statements.
- *Include funding terms.* If the agreement involves cost reimbursement, these details could be specified.
- *Maintain right to audit.* You may want to include the right to conduct audits or otherwise monitor the entity to which you are disclosing PII from education records to periodically affirm that the entity has appropriate policies and procedures in place to protect the PII from education records.
- *Identify and comply with all legal requirements.* It is important to remember that FERPA may not be the only law that governs your agreement. The agreement could broadly require compliance with all applicable Federal, State, and local laws and regulations, and identify the legal authority (whether express or implied) that permits the audit, evaluation, or enforcement or compliance activity.
- *Have plans to handle a data breach.* While no one anticipates a data breach, data loss may occur. You may wish to include specific procedures in your written agreements detailing the parties' expectations in the event that PII from education records is lost, including specifying the parties' responsibilities with regard to breach response and notification and financial responsibility.
- *Review and approve reported results.* If applicable, the written agreement could specify the parties' agreements with respect to publication of results. For example you may wish to review and approve reports prior to publication to make sure that they reflect the original intent of the agreement.
- *Define terms for conflict resolution.* The agreement could specify procedures for how disputes between the parties would be resolved.
- *Specify modification and termination procedures.* The agreement could specify how it can be modified or terminated. You may wish to provide specific provisions for termination based on improper handling of PII from education records.

What do I do if the terms of the written agreement are violated?

If the entity to which you have disclosed PII from education records without consent (whether under the studies exception or the audit or evaluation exception) violates the terms of the written agreement, you should evaluate your options under the penalty and termination provisions

of the agreement. You may want to stop disclosing PII from education records to that organization, or pursue legal redress. If you have reason to believe that the entity has violated FERPA, you should contact FPCO.

How should the public be informed?

It is a best practice to keep the public informed when you disclose PII from education records.

- *Inform the public about written agreements.* Transparency is a best practice. You might want to post your data sharing agreements on your Web site, or provide some equivalent method to let interested parties know what data you are disclosing, the reasons it is being disclosed, and how it is being protected. While the Department generally recommends public posting of written agreements, parties are encouraged to review their contractual data security provisions carefully and redact, prior to publication, any provisions that may aid those seeking unauthorized access to systems. In certain instances a separate confidential IT Security Plan may be appropriate. For more information on data security best practices, see the Privacy Technical Assistance Center (PTAC) Web site: <http://www2.ed.gov/policy/gen/guid/ptac/index.html>

Who should I call if I have questions?

If you would like more information about best practices to protect PII from education records, contact the PTAC Help Desk at PrivacyTA@ed.gov or 855-249-3072.

If you are a parent, eligible student, school, LEA, or SEA and would like more information on FERPA, please call FPCO at 1-800-872-5327.

SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA

_____ PUBLIC SCHOOLS

_____, Connecticut

Dear Parent or Student:

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") 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 45 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/school official will make arrangements for access and notify the parent 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 parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate. They should write the school principal or appropriate school official, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading, or otherwise violates the student's privacy rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent 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 parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before District to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials, including teachers within the District, with legitimate educational 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); or a person serving on the Board of Education. A school official may also include a volunteer or contractor outside of the District who performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifiable information from education records. This includes a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); a parent of student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

Contractors, consultants, volunteers, and other parties to whom a school has out sourced services or functions are considered "school officials" who may have access to student records, without consent, subject to following conditions:

- The party is under the direct control of the school.
- The party is subject to the same conditions governing the use and redisclosure of education records applicable to other school officials.
- The contractor must ensure that only individuals with legitimate educational interests, as determined by the district or school, obtain access to the education records. The contractor may not redisclose personally identifiable information without consent unless the District or school has authorized the redisclosure under a FERPA exception and the district or school records the subsequent disclosure.

Upon request, the District will disclose a student's education record without consent to officials of another school district or charter school or institution of postsecondary education in which the student seeks or intends to enroll or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer. (Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

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:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue

SW Washington DC 20202-4605

Note: In addition, a school may want to include its directory notice as required by FERPA regulations with its annual notification of rights under FERPA. Such a notice is provided in item #5. Be sure that which is listed as "Directory Information" in this notification agrees with what the district has designated as "Directory Information."

5. The District has determined that the following information regarding the District's students is not harmful or an invasion of privacy, and therefore will release this information without first obtaining parental consent. If a parent, guardian, person acting as a student's parent in the absence of a parent or guardian, or the student (if 18 or older), does not want the District to release the information listed below, they must notify the District in writing within two weeks of receiving this notice of the information they do not want released.

The following information may be released without obtaining parental consent:

Student's name, parent's name, address, telephone number, electronic mail address, date and place of birth, grade level, major field of study, enrollment status (full-time or part-time), participation in officially recognized activities and sports including audiovisual or photographic records of the openly visible, activities thereof (e.g. artistic performances sporting contests, assemblies, service projects, awards ceremonies, etc.), weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, most recent previous school attended and photographs of regular school activities that do not disclose specific academic information about the child and/or would not be considered harmful or an invasion of privacy.

A student's ID number or otherwise unique personal identifier displayed on a student ID badge is considered directory information, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticates the user's identity, such as a PIN, password, or other factors known only to the authorized user.

6. Pursuant to federal law, military recruiters and institutions of higher learning may request and receive the names, addresses and telephone numbers of all high school students, unless their parents or guardians notify the school not to release this information. Please notify the District in writing if you do not want this information released.

7. Personally identifiable information in the student's records may be released to authorized representatives of the Attorney General of the United States, the U.S. Secretary of Education, or State and local educational authorities such as the Connecticut Department of Education in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs, and 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.

8. Schools may release information received under a community notification program concerning a student who is required to register as a sex offender in the State, with consent.

9. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent/guardian or eligible student, FERPA regulations require the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

10. Information may be disclosed from the education records of a student without obtaining prior written consent of the parents or the eligible student in the following situations:

- a. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- b. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- c. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- d. To accrediting organizations to carry out their accrediting functions.
- e. To parents of an eligible student if the student is a dependent for IRS tax purposes.
- f. To comply with a judicial order or lawfully issued subpoena.
- g. To appropriate officials in connection with a health or safety emergency.
- h. Information the school has designated as "directory information."
- i. To child welfare agencies or tribal organizations that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

NOTIFICATION OF RELEASE OF STUDENT RECORDS PURSUANT TO COURT ORDER OR SUBPOENA

_____ Public Schools
_____, Connecticut

TO: _____

Parent - Student

Address

The purpose of this notice is to notify you that on _____ (date), the _____ (school district) released the following documents:

from your child's (your own) student records to:

pursuant to a court order or subpoena, a copy of which is attached hereto.

DATED: _____

Note: When a parent is a party to a court proceeding involving child abuse or neglect, or dependency matters, and a judicial order is issued in the context of that proceeding, or pursuant to a lawfully issued subpoena, additional notice to the parent by the educational agency or institution is not required pertaining to the disclosure of the records.

APPLICATION TO REVIEW STUDENT'S RECORDS AND CONSENT THERETO BY PARENT OR STUDENT

Public Schools
, Connecticut

I,
have hereby requested access to
records for the following reasons:

Said records will not be made available to any other person or persons without the specific written consent of (Parent-Student)

DATED:

CONSENT

I hereby consent that
have access to my child's (to my) records with the understanding that such records will not be released by him/her to other persons without my further consent.

DATED:

**APPLICATION TO REVIEW STUDENT'S RECORDS
BY PARTIES ENTITLED THERETO
WITHOUT CONSENT BY PARENT OR STUDENT**

_____ Public Schools

_____, Connecticut

I, _____

have hereby requested access to _____

records for the following reasons:

Said records will not be made available to any other person or persons without the specific written consent of (Parent-Student) _____

DATED: _____

RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize _____ to release

[name of individual who holds the information]

confidential HIV-related information, as defined in Connecticut General Statute §19a-581, concerning

_____ to the following personnel:

[name of protected individual]

- 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 authorized here to receive such information, except as otherwise provided by law.

Name

Relationship to Student

Date

**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

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;

- 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. *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.]

- 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

- 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 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 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 IEP or any due process hearing or resolution session held in accordance with the 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, 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 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:
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 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 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. 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;
 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 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 Subsection I of this Section 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 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 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. 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, (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.

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 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:
 - 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 Department of Children and Families (“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.

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. 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 first 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;

- 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, 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.
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, sign 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.

- 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 CFR 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.

- 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 [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 District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-8520

Legal References:

State Law:

Public Act 18-125, "An Act Concerning Revisions to the Student Data Privacy Act"

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. § 10-220d
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

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. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. 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. 114-95.

34 CFR 99.1 - 99.67

34 CFR 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: _____

8/17/2018

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 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:

<u>RECORD</u>	<u>LOCATION</u>
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):

<u>RECORD</u>	<u>LOCATION</u>
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, and the Individualized Learning Plan implemented for an expelled student, which shall include the student's state-assigned student identifier (SASID)	Cumulative File*

<u>RECORD</u>	<u>LOCATION</u>
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

<u>RECORD</u>	<u>LOCATION</u>
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; 3 rd 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):

<u>RECORD</u>	<u>LOCATIONS</u>
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):

<u>RECORD</u>	<u>MINIMUM RETENTION REQUIRED</u>	<u>LOCATION</u>
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 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 [_____] 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: _____

8/17/2018

**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

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:

Family Policy Compliance 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 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

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.

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

authorized here to receive such information, except as otherwise provided by law.

[Name]

[Relationship to Student]

[Date]

8/28/17

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)

	<u>Obtain</u>	<u>Release</u>
All Records	<input type="checkbox"/>	<input type="checkbox"/>
Cumulative File	<input type="checkbox"/>	<input type="checkbox"/>
Pupil Personnel/Special Education	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>	<input type="checkbox"/>
Health/Medical*	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

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

***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

Students

Student Records

Student records are developed and maintained by the schools in order to record and store information about students and their families for legitimate educational purposes, including instruction, guidance, and research. Central to these purposes is the welfare of, assistance to and educational progress of students, and the maintenance of a safe and orderly environment. No information may be collected that is not legally required, or of no benefit to the educational program of the student, or unnecessary to maintain the successful operation of the school system. Only the Superintendent, Assistant Superintendent, Principals and/or their designees are authorized to collect information concerning students that is to be recorded, stored and maintained by the school and available for inspection and review by authorized persons.

Educational records include any information recorded in any way, (e.g., handwriting, print, tape, in electronic data bases, videotape, film, microfilm and microfiche) that is directly related to a student and maintained by the school district or by a party acting for the school district, except:

- Personal records that are kept in the sole possession of the school staff member who made them and that are not accessible to or revealed to any other person except the staff member's personal substitute;
- Employment records that are used only in relation to the student's employment by the school district; and
- Alumni records that contain information about a student after he or she is no longer in attendance at the school district. These records do not relate to the person as a student.

"Extra-confidential" records are records to which access by school officials and by other parties should be strictly limited by the need to know. These records include psychiatric evaluations, family assessments and child abuse reports. Administrative procedures shall include regulations for handling these records.

Student records are the confidential property of the school. Access to or disclosure of information contained in student records is limited to the student who has reached the age of majority (18), the parent(s) or legal guardian(s) of minor children and authorized school officials, as defined below who have a legitimate interest, as defined below. The school district will disclose personally identifiable information from a student's educational records only with the written authorization of the student, when appropriate, or a custodial parent or legal guardian except:

1. To school officials who have legitimate educational interest in the records.
 - a. A school official is:
 - A member of the Board of Education or a person employed by the school district as an administrator, supervisor, teacher, teacher aide, administrative assistant, secretary or clerk.
 - A person employed by or under contract to the school district to perform a special task (e.g., an attorney, auditor, medical consultant, etc.)
 - b. A school official has "legitimate educational interest" when:
 - Performing a task or responsibility that is specified in his or her job description, position, description or contract agreement
 - Performing a task related to a student's education
 - Performing a task related to the discipline of a student
 - Providing service or benefit to the student and/or the student's family including, but not limited to, health care, parent effectiveness training and homebound instruction.
2. To authorized officials of the U.S. Department of Education, the Comptroller General of the United States, and state and local educational authorities, provided the disclosure of the information pertains to state-supported or federally-supported education programs and meets the requirements of Section 99-35(b) (1) and 99.35 (b) (2) of the Family Educational Rights and Privacy Act of 1974.
3. To state and local authorities and officials, if a state statute adopted before Nov. 19, 1974, specifically requires disclosures to those authorities and officials; and
4. To parents of an eligible student who claim the student as a dependent for income tax purposes, as defined in section 152 of the Internal Revenue Code of 1954.
5. To comply with a judicial order or lawfully issued subpoena;
6. To appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

All student records, as classified on the attached chart, shall be under the custodianship of the authorized administrator as identified on the attached chart, and shall be kept in such a manner as to make them secure from access or inspection by unauthorized persons.

All student records shall be systematically and periodically evaluated during a student's career in the Westport schools, and materials which are not pertinent to the welfare of, assistance to, and educational progress of students shall be removed and destroyed. The administration shall develop procedures and a timetable for review of records and removal of material no longer relevant.

Any custodial parent(s), the legal guardian(s) or the student who is of legal age, shall have the right to challenge the presence in the record of material which they feel is false, inaccurate or inappropriate. Should such challenge be found valid, such materials shall be removed and destroyed. Orderly procedures shall be established to process challenges. Parents have the right to insert their own appropriate record, and to appeal a decision by the administrator not to remove challenged material.

All procedures shall be consistent with applicable state and federal laws and shall be periodically reviewed and revised to conform to any changes in these laws.

Parents and eligible students are to be notified annually of the above policy and procedures, and of rights accorded to them by state and federal law, including the right to inspect and review records, request amendment of records, consent to disclosure of identifiable information, file a complaint with the U.S. Department of Education of alleged failure by the school district to comply, and obtain a copy of the district's policies and procedures.

Chart of Types of Records

Types of Records	Grades	Location	Custodian
Cumulative School Records and Special Education Records	Grades K to 5	Office of School Principal	School Principal
Cumulative School Records and Special Education Records	Grades 6 to 8	Office of the Middle School Principal	School Principal
Cumulative School Records and Special Education Records	Grades 9 to 12	Office of the High School Principal	School Principal
Discipline Records	Grades K to 5	Office of School Principal	School Principal
Discipline Records	Grades 6 to 12	Office of Vice Principal	Vice Principal
Extra-Confidential Records	Grades K to 12	Office of Director of Pupil Services	Director of Pupil Services
Health Records	Grades K to 12	Office of the School Nurse	School Nurse
School Transportation Records	Grades K to 12	Office of the Transportation Coordinator	Transportation Coordinator
Educational Records of Students in Out-of-District Placements	Grades K to 12	Office of Director of Pupil Services	Director of Pupil Services

Legal Reference: Connecticut General Statutes

1-19(b)(11) Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parent or guardians to student's records.

10-154a Professional communications between teacher or nurse & student.

10-209 Records not to be public.

10-221b Boards of education to establish written uniform policy re: treatment of recruiters.

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

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.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Policy adopted: December 16, 2002

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

5125

Students

Student Records

For reasons related to: (1) consistency in providing information and (2) ensuring that documents sent to receiving private, parochial or other public schools have been seen previously by a parent or guardian, it is the policy of the Westport Public Schools that for all students K-12, only official health records, cumulative report card information, report cards and student records are to be released to such receiving schools.

Student records are to be sent to receiving schools only after written permission from a parent or guardian of a student has been received in the school office.

Where teachers elect to respond to parent/guardian requests for recommendations to private, parochial, other public schools, or summer academic programs, such letters of recommendation shall be reviewed by the superintendent or his/her designee within 48 hours of submission of the letter for review. The review process is necessary to ensure that the Westport Public Schools are not exposed to any liability by virtue of such letters of recommendation.

Adopted:

January 13, 2014

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Students**Health Assessments and Immunizations**

The Board of Education recognizes the importance of periodic health assessments, including oral assessments, according to state health regulations.

To determine health status of students, facilitate the removal of disabilities to learning and find whether some special adaptation of the school program may be necessary, 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 health assessments, including oral health assessments. It is the policy of the Board of Education to insure 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 assessments required under C.G.S. [10-206](#), as may be periodically amended.

The Board of Education shall annually designate a representative to receive reports of health assessments and immunizations from health care providers. (or: The Superintendent shall designate the school nurse to receive reports of health assessments and immunizations from health care providers.)

Parents wishing their children exempted or excused from health assessments, on religious grounds, must request such exemption to the Superintendent of Schools in writing. This request must be signed by the parent/guardian.

Parents/guardians wanting their children excused from immunizations on religious grounds (prior to kindergarten entry and grade 7 entry) must request such exemption in writing to the Superintendent of Schools if such immunization is contrary to the religious beliefs of the child or of the parent/guardian of the child. The request must be officially acknowledged by a notary public or a judge, a clerk or deputy clerk of a court having a seal, a town clerk, a justice of the peace, a Connecticut-licensed attorney or a school nurse.

It is the responsibility of the Principal to insure that each student enrolled has been adequately immunized and has fulfilled the required health assessments. The school nurse shall check and document immunizations and health assessments on all students enrolling in school and to report the status to the school principal. The school nurse shall also 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.

Optional: The school nurse who is required to verify the immunization status for children enrolled in District schools, pre-K to grade 12, inclusive, pursuant to C.G.S. [10-204a](#), shall be provided with sufficient information on the children living within his/her jurisdiction and is listed on the Department of Public Health's registry of immunization status. The school nurse is authorized to determine which children in their jurisdiction are overdue for scheduled immunizations and provide outreach to help get them vaccinated.

Students born in high risk countries and entering school in Connecticut for the first time, should receive either TST (tuberculin skin test) or IGRA (interferon-gamma release assay). Any individual found to be positive shall have an appropriate medical management plan developed that includes a chest radiograph.

Students not already known to have a positive test for tuberculosis should be tested if they meet any of the risk factors for TB infection, as described in the administrative regulations accompanying this policy.

No record of any student's medical assessment may be open to the public.

As required, the District will report, beginning in October 2017, on a triennial basis, to the Department of Public Health and to the local Health Director the asthma data, pertaining to the total number of students per school and for the district, obtained through the required asthma assessments, including student demographics. Such required asthma diagnosis shall occur at the time of mandated health assessment at the time of enrollment, in either grade six or seven, and in grade ten or eleven. Such asthma diagnosis shall be reported whether or not it is recorded on the health assessment form, at the aforementioned intervals. The District, as required, will also participate in annual school surveys conducted by the Department of Public Health pertaining to asthma.

As required, the District will annually report to the Department of Public Health information required on the School Immunization Entry Survey.

The Superintendent of Schools shall give written notice to the parent/guardian of each student who is found to have any defect of vision or disease of the eyes, with a brief statement describing such defect or disease and a recommendation that the student be examined by an appropriately licensed optometrist or ophthalmologist.

Note: PA 18-168 requires boards of education to request that students have an oral health assessment prior to public school enrollment, in grade 6 or 7, and in grade 9 or 10. The legislation establishes related requirements on providers authorized to perform the assessments, parental consent assessment forms, and records access. The specifics are detailed in the administrative regulation pertaining to this policy.

(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

[10-204a](#) Required immunizations (as amended by P.A. 15-174 and P.A. 15-242)

[10-204c](#) Immunity from liability

[10-205](#) Appointment of school medical adviser

[10-206](#) Health assessments (as amended by PA 17-146 and PA 18-168)

[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. (as amended by PA 17-173)

Department of Public Health, Public Health Code, 10-204a-2a, 10-204a-3a, 10-204a-4

Section 4 of PA 14-231

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.

P.L. 93-568; codified as 20 U.S.C. 1232g

42 U.S.C. 1320d-1320d-8 P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

PA 17-146 "An Act Concerning the Department of Public Health's Various Revisions to the Public Health Statutes," Section 5, effective 10/1/17

PA 18-168 An Act Concerning the Department of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes, Sections 7-9, 539 & 540

Policy adopted:

R5141.3

Students

Health Assessments and Immunizations

In accordance with Connecticut General Statutes [10-206](#), as amended, [10-204a](#), and [10-214](#), the following health assessment procedures are established for students in the district:

1) Proof of immunization shall be required prior to school entry. A "school-aged child" also includes any student enrolled in an adult education program that leads to a high school diploma. This immunization verification is mandatory for all new school enterers and must include complete documentation of those immunizations requiring a full series. A required immunization record includes:

a) For initial entry into school for kindergarten, regular and special education pre-school programs, grades 1-6:

- 4 doses of DTP/DTaP vaccine (Diphtheria - Pertussis - Tetanus). At least one dose is required to be administered on or after the 4th birthday for children enrolled in school at kindergarten or above. Students who start the series at age 7 or older need a total of 3 doses.

(Pertussis immunization shall not be required after a student's sixth birthday),

- 3 doses of either trivalent oral polio vaccine (TOPV) or inactivated polio vaccine (IPV) with at least one dose of polio vaccine administered on or after the 4th birthday and before school entry. (This then usually results in 4 doses in total.)

- 2 doses of MMR vaccine (measles, mumps and rubella). One dose at 1 year of age or after and a second dose, given at least twenty-eight (28) days after the first dose, prior to school entry in kindergarten through grade twelve (12) OR disease protection, confirmed in writing, by a physician, physician assistant or advanced practical registered nurse that the child has had a confirmed case of such disease based on specific blood testing conducted by a certified laboratory.
- 3 doses of Hepatitis B vaccine (HBV) or has had protection confirmed in writing by a physician, physician assistant or advanced practice registered nurse based on specific blood testing by a certified laboratory.
- 1 dose of Hib (Hemophilus Influenza type b) given on or after the first birthday, is required of all school children who enter school prior to their fifth birthday or had a laboratory confirmed infection at age 24 months or older, confirmed in writing by a physician, physician assistant or advanced practice registered nurse. Children five and older do not need proof of Hib vaccination.
- Varicella (Chickenpox) Immunity

(i) 1 dose on or after the 1st birthday or must show proof of immunity to Varicella (chickenpox) for entry into licensed pre-school programs and kindergarten; or on or after August 1, 2011 for entry into kindergarten two (2) doses shall be required, given at least three (3) months apart, the first does on or after the 1st birthday.

(ii) Proof of immunity includes any of the following:

Documentation of age appropriate immunizations considered to be one dose administered on or after the student's first birthday (if the student is less than 13 years old) or two doses administered at least 30 days apart for students whose initial vaccination is at thirteen years of age or older.

Note: The National Advisory Committees on Immunization Practices (ACIP) changed the recommendation for routine vaccination against chicken pox (Varicella) from a single dose for all children beginning at 12 months of age to two doses, with the second dose given just prior to school entry. The ACIP also recommends that all school-aged children, up to 18 years of age, who have only had a single dose of Varicella vaccine to be vaccinated with a second dose.

Serologic evidence of past infection, confirmed in writing by a physician, physician assistant or advanced practice registered nurse based on specific blood testing by a certified laboratory, or

Statement signed and dated by a physician, physician assistant or advanced practice registered nurse indicating a child has already had varicella (chickenpox) based on diagnosis of varicella or verification of history of varicella. (Date of chickenpox illness not required)

(iii) All students are required to show proof of immunity (see above) to Varicella for entry into 7th grade.

Note: The Connecticut Department of Public Health has indicated that a school-aged child, 13 years of age or older, will only be considered fully immunized if he/she has had two doses of the Varicella vaccine given at least 4 weeks apart.

- Hepatitis A - Requirement for PK and K for children born on or after January 1, 2007, is enrolled in preschool or kindergarten on or after August 1, 2011
 - (i) Two (2) doses of hepatitis A vaccine given at least six (6) months apart, the first dose given on or after the child's first birthday; or
 - (ii) Has had protection against hepatitis A confirmed in writing by a physician, physician assistant or advanced practice registered nurse based on specific blood testing by a certified laboratory.
- Influenza Requirement for PK.
 - (i) Effective January 1, 2012 and each January 1 thereafter, children aged 24-59 months enrolled in preschool are required to receive at least one (1) dose of influenza vaccine between August 1 and December 31 of the preceding year (effective August 1, 2011).
 - (ii) Children aged 24-59 months who have not received vaccination against influenza previously must be given a second dose at least twenty-eight (28) days after the first dose.
- Pneumococcal Disease Requirement for PK and K
 - (i) Effective August 1, 2011 all students born on or after January 1, 2007, enrolled in PK and K who are less than five (5) years of age must show proof of having received one (1) dose of pneumococcal conjugate vaccine on or after the student's first birthday.
 - (ii) An individual shall be considered adequately protected if currently aged five (5) years or older.

b) For entry into seventh (7th) grade

All students in grades K-12 are required to show proof of 2 doses of measles, mumps, rubella vaccine at least 28 days apart with the first dose administered on or after the first (1st) birthday, or laboratory confirmation of immunity confirmed in writing by a physician, physician assistant or advanced practice registered nurse.

- Proof of having received 2 doses of measles-containing vaccine.

In those instances at entry to seventh grade, where an individual has not received a second dose of measles containing vaccine, a second dose shall be given. If an individual has received no measles containing vaccines, the second dose shall be given at least 4 weeks after the first. (Students entering 7th grade must show proof of having received 2 doses of measles-containing vaccine)

- Proof of Varicella (Chickenpox) Immunity.
 - (i) On or after August 1, 2011, two doses, given at least three (3) months apart, the first dose on or after the individual's first (1st) birthday and before the individual's thirteenth (13th) birthday or two doses given at least twenty-eight (28) days apart if the first dose was given on or after the individual's thirteenth (13th) birthday,
 - (ii) Serologic evidence of past infection, or
 - (iii) A statement signed and dated by a physician, physician assistant, or advanced practice registered nurse indicating that the child has already had varicella (chickenpox) based on family and/or medical history. (Date of chickenpox illness not required)
- Proof of at least three doses of Hepatitis B vaccine or show proof of serologic evidence of infection with Hepatitis B.
- Proof of Diphtheria-Pertussis-Tetanus Vaccination (Adolescent Tdap Vaccine Requirement for Grade 7 Students)
 - (i) On or after August 1, 2011, an individual eleven (11) years of age or older, enrolled in the seventh (7th) grade, shall show proof of one (1) dose of diphtheria, tetanus and pertussis containing vaccine. (Tdap booster) in addition to completion of the recommended primary diphtheria, tetanus and pertussis containing vaccination series unless:
 - (ii) Such individual has a medical exemption for this dose confirmed in writing by a physician, physician assistant or advanced practice registered nurse based on having last received diphtheria, tetanus and pertussis containing vaccine less than five (5) years earlier and no increased risk of pertussis according to the most recent standards of care for immunization in Connecticut (C.G.S. 19a-7f)
- Meningococcal Vaccine (MCV4) Required for Grade 7 Students
 - (i) Effective August 1, 2011, one dose of meningococcal vaccine

NOTE: Students must show proof of 3 doses of Hepatitis B vaccine or serologic evidence of infection to enter eighth grade.

- Immunization requirements are satisfied if a student:
 - (i) presents verification of the above mentioned required immunizations;
 - (ii) presents a certificate from a physician, physician assistant, advanced practice registered nurse or a local health agency stating that initial immunizations have been administered to the child and additional immunizations are in process;
 - (iii) presents a certificate from a physician stating that in the opinion of the physician immunization is medically contraindicated in accordance with the current recommendation of the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices because of the physical condition of the child;
 - (iv) presents a written statement officially acknowledged by a notary public or a judge, family support magistrate, clerk/deputy clerk or a court having a seal, a town clerk, a justice of the peace, a Connecticut-licensed attorney or a school nurse or from the parents or guardian of the child that such immunization would be contrary to religious beliefs of the child or his/her parents/guardians;
 - (v) he/she has had a natural infection confirmed in writing by a physician, physician assistant, advanced practice registered nurse or laboratory.

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. (CGS [10-204a](#))

Students failing to meet the above requirements shall not be allowed to attend school.

2) 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 and which must include public health related screening questions for parents to answer and other screening questions for providers and screenings for hearing, vision, speech, and gross dental shall be required for all new school enterers, and students in grade 6 and grade 9 or 10. This health assessment must be completed either prior to school entry or 30 calendar days after the beginning of school for new school enterers. This assessment must be conducted within the school year for students in grade 6 or grade 9 or 10. Parents of students in grade 6 or grade 9 or 10 shall be notified, in writing, of the requirement of a health assessment and shall be offered an opportunity to be present at the time of assessment.

The 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.

A test for tuberculosis, as indicated above, is not mandatory, but should be performed if any of the following risk factors prevail:

1. birth in a high risk country of the world (to include all countries in Africa, Asia, the former Soviet Union, Eastern Europe, Central and South America, Dominican Republic and Haiti, see list of countries in Appendix B) and do not have a record of a TST (tuberculin skin test) or IGRA (interferon-gamma release assay) performed in the United States.
2. travel to a high risk country staying at least one week with substantial contact with the indigenous population since the previously required examination;
3. extensive contact with persons who have recently come to the United States from high risk countries since the previously required examination;
4. contact with persons suspected to have tuberculosis; or
5. lives with anyone who has been in a homeless shelter, jail or prison, uses illegal drugs or has HIV infection.

The results of the risk assessment and testing, when done, should be recorded on the State of Connecticut Health Assessment Record (HAR-3) or directly in the student's Cumulative Health Record (CHR-1).

Health assessments completed within one calendar year of new school entry or grade 6 or grade 9 or 10 will be accepted by the school system. Failure of students to satisfy the above mentioned health assessment timeliness and/or requirements shall result in exclusion from school.

(*Note: As an alternative health assessment could be held in grades 7 and 10.)

The District shall annually report on a triennial basis beginning October 1, 2017 to the Department of Public Health and to the local Health Director the asthma data pertaining to the total number of students per school and in the district obtained through school assessments, including student demographics. Such required asthma diagnosis shall occur at the time of mandated health assessment at the time of enrollment, in either grade 6 or 7, and in either grade 9 or 10. Such asthma diagnosis shall be reported whether or not it is recorded on the health assessment form at the aforementioned intervals.

3) Parents or guardians of students being excluded from school due to failure to meet health assessment requirements shall be given a thirty calendar day notice in writing, prior to any effective date of school exclusion. Failure to complete required health assessment components within this thirty day grace period shall result in school exclusion. This exclusion shall be verified, in writing, by the Superintendent of Schools or his/her designee. Parents of excluded students may request administrative hearing of a health assessment related exclusion within five days of final exclusion notice. An administrative hearing shall be conducted and a decision rendered within fifteen calendar days after receipt of request. A subcommittee of the Board of Education shall conduct an administrative hearing and will consider written and/or oral testimony offered by parents and/or school officials.

4) Health screenings 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	Grades 5 and 7 for female students Grades 8 or 9 for male students

The school system shall provide these screening 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. The district shall provide a brief statement to parents/guardians of students not receiving the required vision, hearing or postural screening explaining why the student did not receive such screening(s).

(Health assessments may be conducted by a licensed physician, advanced practice registered nurse, registered nurse, physician assistant or by the School Medical Advisor.)

5) Parents of students failing to meet standards of screening or deemed in need of further testing shall be notified by the Superintendent of Schools. A written notice shall be given to the parent/guardian of each student who is found to have any defect or disease and a recommendation for the student to be examined by a licensed optometrist or licensed ophthalmologist. A written statement shall also be provided to the parent/guardian of any student who did not receive the vision screening with a brief statement explaining the reason.

Students eligible for free health assessments shall have them provided by the health services staff. Parents of these 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.

6) Health records shall be maintained in accordance with Policy #[5125](#).

7) All candidates for all athletic teams shall be examined annually by the designated school physician at a time and place determined by the Director of Athletics and/or coach.

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 at requires him or her to forego either a practice session of contest, that student will not be permitted to return to athletic activity until the school physician examines the student and pronounces him/her medically fit for athletics.

Oral Health Assessments

Parents are encouraged to have oral health assessments for their child(ren) prior to public school enrollment, in grade 6 or 7, and in grade 9 or 10. Such assessment may be conducted by a dentist, dental hygienist, physician, physician assistant (PA), or an advanced practice registered nurse (APRN), if he or she is trained in conducting such assessments as part of a DPH-approved training program. When conducted by a dentist the oral assessment must include a dental examination. If another such provider conducts the assessment, it must include a visual screening and risk assessment.

Parent/guardian consent is required prior to the oral health assessment. The assessment is to be made in the presence of the parent/guardian or another school employee. The parent/guardian must receive prior written notice and have a reasonable opportunity to opt his/her child out of the assessment, be present at the assessment, or provide for the assessment himself or herself.

A child's public school enrollment continued attendance shall not be denied for his/her failure to receive the oral health assessment.

The District may host a free oral health assessment event at which a qualified provider performs such oral health assessments. Parents/guardians will be given prior notice of such a free screening event providing the parents/guardians the opportunity to opt their children out of the assessment event. If the parent/guardian does not do so, the child must receive an assessment free of charge. The child is prohibited by the legislation from receiving any dental treatment as part of the assessment event without the parent's/guardian's informed consent.

The results of an oral health assessment shall be recorded on forms supplied by the State Board of Education. The provider performing the assessment must completely fill out and sign the form. Recommendations by the provider shall be in writing. For any child who receives an oral health assessment, the results must be included in the child's cumulative health record.

Appropriate school health personnel shall review the assessment results. If it is determined that a child needs further testing or treatment, the Superintendent shall give written notice to the child's parent/guardian and make reasonable efforts to ensure that further testing or treatment is provided. Such efforts include determining whether the parent/guardian obtained the necessary testing or treatment for the child and, if not, advising the parent or guardian on how to do so. The results of the further testing or treatment must be recorded on the assessment forms and reviewed by school health personnel.

As with other school health assessments no records of oral health assessments may be open to public inspection; and each provider who conducts an assessment for a child seeking to enroll in a public school must provide the assessment results to the school district's designated representative and a representative of the child.

Legal Reference: Connecticut General Statutes

[10-204a](#) Required immunizations (as amended by P.A. 15-174 and P.A. 15-242)

[10-204c](#) Immunity from liability

[10-205](#) Appointment of school medical adviser

[10-206](#) Health assessments (as amended by June Special Session PA 01-4, PA 01-9, PA 05-272, PA 07-58 and PA 18-168)

[10-206a](#) Free health assessments

[10-207](#) Duties of medical advisers

[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, as amended by P.A. 17-173.

PA 18-168 An Act Concerning the Department of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes, Sections 7-9, 539 & 540

Regulation approved:

**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 him/her 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 him/her. 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 he/she may provide for such assessment him/herself. 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 (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 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 when entering grade [*the Board may choose to set the screening requirement at entry to grade six or grade seven*] and when entering grade [*the Board may choose to set the screening requirement at entry to 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 (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 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 of Education 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.

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 his/her child out of such assessment or may provide for such oral health assessment him or herself.
- D. If the Board of Education 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 opt him or her 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.

- 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 using a Snellen chart or equivalent screening device, such as 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 pupil 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 Connecticut, his/her 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 ten or eleven. The report shall contain the asthma information collected as required under Section II of this Policy 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 he/she 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 he/she 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
 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:

Connecticut General Statutes

- § 10-206 Health assessments
- § 10-206a Free health assessments
- § 10-208 Exemption from examination or treatment
- § 10-214 Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act 18-168, "An Act Concerning the Department of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes," Sections 8, 80 and 81.

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).

ADOPTED: ___/___/___

REVISED: ___/___/___

Revised: 7/30/18



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

**Series 5000
Students**

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

In accordance with state law and accompanying regulations, the _____ 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.

[If the Board operates a preschool program, the following language should be added:

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 **[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.

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.

ADOPTED _____
REVISED: _____

7/31/18

Students**Immunization of School Children**

- A. It is the policy of the Westport Board of Education to conform with Connecticut General Statutes [10-204a](#), as currently written, and as they may be changed in the future, with respect to immunization requirements for school admission.
- B.
1. For the purpose of this Policy and Procedures, the State Department of Health Services defines “legally qualified physician” to be a doctor of medicine (M.D.) or an osteopathic physician (D.O.), licensed to practice medicine in this or another state.
 2. The definitions of “adequate immunization,” as developed by the State Commissioner of Health, are enumerated in the Procedures section and are to be updated if and when State requirements are revised.
- C. In accordance with State law, a child may be exempted from the requirements of this policy under the following conditions:
1. A certificate is presented signed by a legally qualified physician stating that, in the opinion of the physician, such immunization is medically contraindicated because of the physical condition of the child; or
 2. A certificate is presented from a legally qualified physician, indicating that initial immunizations have been given to such child (including the dates of such initial immunizations) and that additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health Services; or
 3. A written statement is presented to the Principal by the parent/legal guardian (or the student over 18 or an emancipated minor), stating that such immunizations are contrary to the religious beliefs of the parent, guardian or student.

Legal Reference: Connecticut General Statutes

[10-204](#) Vaccination

[10-204a](#) Required immunizations as amended by PA 96-244.

[10-204c](#) Immunity from liability

[10-205](#) Appointment of school medical adviser

[10-206](#) Health assessments

[10-207](#) Duties of medical advisors

[10-206a](#) Free health assessments

[10-208](#) Exemption from examination or treatment

[10-208a](#) Physical activity of student rest cites; board to hone notice

[10-209](#) School nurses

[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

Policy adopted: June 29, 1992

Students**On-Campus Recruitment**

Subject to the provisions of Subdivision (11) of Subsection (b) of Section [1-210](#) of the Connecticut General Statutes, the high schools of the school district shall provide the same directory information and on campus recruiting opportunities to representatives of the armed forces of the United States of America and State Armed Services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

The Board of Education (Board) will inform, at the middle and high school level, students and parents/guardians of the availability of (1) vocational, technical and technological education and training at technical high schools, and (2) agricultural sciences and technology education at regional agricultural science and technology education centers.

The Board shall also provide full access for the recruitment of students by technical high schools, regional agricultural science and technology education centers, inter-district magnet schools, charter schools and inter-district student attendance programs, provided such recruitment is not for the purpose of interscholastic athletic competition. The Board shall also post information about these school options on its website.

Directory information or class lists of student names and/or addresses shall not be distributed without the consent of the parent or legal guardian of the student or by the student who has attained majority status.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless the parent/guardian of such student submits a written request that such information not be released without their prior written consent. A student, eighteen years of age or older, rather than his/her parent/guardian, may request in writing that such information not be released without his/her prior written permission. The Board of Education shall notify parents/guardians and students of the option to make such request and shall comply with any request received.

ESSA requires the release of the student's name, address and telephone listing unless, after giving appropriate notice to parents/guardians and students 18 years of age or older, of their right to opt-out and to require, after such opt-out, written permission to release the information.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. [5125](#) Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

[1-210](#) (11) Access to public records. Exempt records.

[10-220d](#) Student recruitment by a regional and interdistrict specialized schools and programs. Recruitment of athletes prohibited (as amended by P.A. 12-116, An Act Concerning Educational Reform)

[10-221b](#) Boards of education to establish written uniform policy re treatment of recruiters.(as amended by PA 98-252)

P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001

Section 8025 of Public Law 114-95, "The Every Student Succeeds Act of 2015"

Policy adopted:

WPS Existing

Students

On-Campus Recruitment

All recruiters, military, non-military, commercial and educational providing information to high school students about post high-school educational and/or career opportunities shall be afforded substantially equal opportunity, with respect to the conduct of on-campus student recruitment. Recruiters will be afforded the opportunity to conduct meetings during the school day, at a time, and in place designated by the high school administration, with those students who are voluntarily interested. The administration may limit the number of such opportunities to be granted to each organization and agency to avoid undue interference with the educational process.

Follow up visits to the high school by recruiters (in all categories specified above) in order to meet with individual students will be permitted, provided that the student is a voluntary participant in the follow up and that the appointment is scheduled on the request of the student.

(cf. [5145.15](#) – Disclosure of Directory Information Regarding Students to Commercial, Military and College Recruiters and Others)

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[10-221b](#) Boards of education to establish written uniform policy re treatment of recruiters.(as amended by PA 98-252)

Public Law 107-110, No Child Left Behind Act

Policy adopted: November 19, 1984

Students**Reporting of Child Abuse, Neglect and Sexual Assault**

The Board of Education (Board) recognizes its legal and ethical obligations in the reporting of suspected child abuse and neglect. Any person applying for employment with the Board shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired. Mandated reporters include all school employees, specifically Superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers and licensed behavior analysts either employed by the Board or working in one of the District schools, or any other person 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 District schools. Such individual(s) who have reasonable cause to suspect or believe that a child has been abused, neglected, placed in imminent risk of serious harm, or sexually assaulted by a school employee is required to report such abuse and/or neglect or risk and/or sexual assault.

A mandated reporter's suspicions may be based on factors including, but are not limited to, observations, allegations, facts by a child, victim or third party. Suspicion or belief does not require certainty or probably cause.

Alternate Language: In furtherance of CGS 17a-101 et. seq., and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, or imminent risk of serious harm, in accordance with the procedures set forth in this policy.

Furthermore, the Board of Education requires all personnel who have reasonable cause to suspect or believe that a child, under the age of eighteen (18), except in the case of sexual assault by a school employee, has been abused, neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed in imminent danger of serious harm or has been sexually abused by a school employee to report such cases in accordance with the law, Board policy and administrative regulations. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

A mandated reporter shall make an oral report, by telephone or in person, to the Commissioner of Children and Families or a law enforcement agency as soon as possible, but no later than twelve (12) hours after the reporter has reasonable cause to suspect the child has been abused or neglected. In addition, the mandated reporter shall inform the building principal or his/her designee that he/she will be making such a report. Not later than forty-eight hours of making the oral report, the mandated reporter shall file a written report with the Commissioner of Children and Families or his/her designee. (The Department of Children and Families has established a 24 hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.)

A mandated reporter may make the required oral report electronically in the manner prescribed by the Commissioner of Children and Families. An employee making an electronic report shall respond to further inquiries from the Commissioner of Children and Families or designee made within twenty-four hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.

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

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

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

The Board recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated reporter's written or oral report of abuse or neglect or if the Commissioner of Children and Families has reasonable belief that a school employee abused or neglected a student. Not later than five (5) working days after an investigation of child abuse or neglect by a school employee has been completed, DCF is required to notify the school employee and the Superintendent and the Commissioner of Education of the investigation's results. If DCF has reasonable cause, and recommends the employee be placed on DCF's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

The Board, recognizing its responsibilities to protect children and in compliance with its statutory obligations, shall provide to each employee in-service training regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by

the Department of Children and Families. Each school employee is required to complete a refresher training program, not later than three years after completion of the initial training program and shall thereafter retake such refresher training course at least once every three years.

The Principal of each school in the district shall annually certify to the Superintendent that each school employee working at such school has completed the required initial training and the refresher training.

State law prohibits retaliation against a mandated reporter for fulfilling his/her obligations to report suspected child abuse or neglect. The Board shall not retaliate against any mandated reporter for his/her compliance with the law and Board policy pertaining to the reporting of suspected child abuse and neglect.

(This paragraph is optional) It is mandated that policy and procedure development include three major components: Education, Intervention and Evaluation. The Education component requires that school personnel be provided with ongoing education (staff development) related to the recognition and reporting of suspected child abuse, neglect and sexual assault. Intervention requires that "at risk" students be identified and that suspected child abuse, neglect and sexual assault be reported. Evaluation is essential in order to determine whether policy and procedures are effective and appropriately updated to incorporate changes in knowledge, personnel, student and family needs, community resources and law. Such evaluation should take place annually, or more frequently as needed.

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

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

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

Establishment of the Confidential Rapid Response Team

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

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

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

Hiring Prohibitions

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

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

(cf. [4112.6/4212.6](#) - Personnel Records)

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

Legal Reference: Connecticut General Statutes

[10-220a](#) Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)

[10-221d](#) Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)

[10-221s](#) Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)

[17a-28](#) Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93)

[17a-101](#) Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93 and PA

15-205, PA 18-15 and PA 18-17)

[17a-101a](#) Report of abuse or neglect by mandated reports. (as amended by PA 02-106, PA 11-93 and PA 15-205, PA 18-15 and PA 18-17)

[17a-102](#) Report of danger of abuse. (as amended by PA 02-106)

[17a-106](#) Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

10-151 Teacher Tenure Act

P.A. 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District

P.A. 14-186 An Act Concerning the Department of Children and Families and the Protection of Children.

P.A. 15-205 An Act Protecting School Children.

Policy adopted:

R5141.4

Students

Reporting of Child Abuse, Neglect and Sexual Assault

a. What Must be Reported

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen: *(Mandated reporters include all school employees, specifically the Superintendent, administrators teachers, substitute teachers, guidance counselors, school counselors, behavior analysts, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers either employed by the Board or working in one of the District schools, or any other person 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 District schools.)*

1. Is in danger of being or has been abused;
2. Has had non-accidental physical injuries or physical injuries which are at variance with the history given for them, inflicted by a person responsible for the child's health, welfare or care, or by a person given access to such child by a responsible person;
3. Has been neglected;
4. Has been sexually assaulted; or
5. Has been placed in imminent risk of serious harm.

A mandated reporter's suspicions may be based on such factors as observations, allegations, and facts by a child, victim or third party. Suspicion or belief does not require certainty or probable cause.

Definitions

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"School employee" (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in an elementary, middle or high school; or (b) any other person 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 the _____ Public Schools, pursuant to a contract with the Board.

"Sexual assault" means for the purposes of mandatory reporting laws and this policy; a violation of Sections [53a-70a](#), [53a-71](#), [53a-72a](#), [53a-72b](#) or [53a-73a](#) of the Connecticut General Statutes.

"Statutory mandated reporter" means an individual by CGS Sec. [17a-101](#) to report suspected abuse and/or neglect of children or sexual assault by a school employee. The term, "statutory mandated reporter" includes all school employees, as defined above.

b. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

1. When an employee of the Board of Education suspects or believes that a child has been abused, neglected, has been placed in imminent risk of serious harm, the following steps shall be taken:

(a) The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history or such injury, or sexually assaulted by a school employee and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24 hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.

(b) The employee shall also immediately make an oral report to the Building Principal or his/her designee and/or the Superintendent or his/her designee. If the building principal is the alleged perpetrator of the abuse/neglect, then the employee shall notify the Superintendent or his/her designee directly.

(c) If a report prepared in accordance with Section (a) above concerns suspected abuse or neglect or sexual assault by a school employee, the Superintendent or his/her designee, shall immediately notify the child's parent or guardian that such a report has been made.

(d) Not later than 48 hours of making an oral report, the employee shall submit a written report to the Commissioner of Children and Families, or his/her representative, containing all of the required information. The written reports should be submitted on the DCF-136 form or any other form designated for that purpose.

(e) The employee shall immediately, submit a copy of the written report to the Principal and/or Superintendent or the Superintendent's designee.

(f) If a report prepared in accordance with Section (c) above, concerns suspected abuse or neglect or sexual assault by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

c. Contents of Reports

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

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

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

d. Investigation of the Report

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

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report.

During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may

place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child abuse or neglect or sexual assault shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child abuse or neglect, or sexual assault except as expressly prohibited by state or federal law.

1. Evidence of Abuse by Certain School Employees. After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected or sexually assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families abuse and neglect registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse, neglect or sexual assault by a school employee, the Superintendent, the school employee, and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits if DCF has reasonable cause that the employee abused or neglected a child and recommends the employee be placed on the DCF child abuse and neglect registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension.

The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education Acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a certified, permit or authorized school staff member.

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

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

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

4. The Board shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept in District files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such board of education, and records of the personal misconduct of such teacher. (*"Teacher" includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.*)

5. The Board of Education shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency that a child has been abused or neglected. The Board shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of section [17a-101i](#) of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that the Board's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.

6. The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been abused and neglected by a school employee, in the Department of Children and Families' possession to ensure that records and information are being shared properly.

e. Delegation of Authority by Superintendent

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

f. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons

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

1. Definitions. For the purposes of this policy:

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

"Neglect" means a situation where an intellectually disabled person either is living alone or is not able to provide for him/herself the services which are necessary to maintain his/her physical and mental health, or is not receiving such necessary services from the caretaker.

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

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

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

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

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

g. Disciplinary Action for Failure to Follow Policy

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

h. Non-Discrimination Policy

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

i. Training

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

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

j. Foster Care

Upon request of the Board of Education, the Department of Children and Families shall provide the name, date of birth and school of origin for each child in the custody of the Department of Children and Families who has been placed in foster care and is attending a District school.

Confidential Rapid Response Team

The District will establish, not later than January 1, 2016, a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

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

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

Hiring Prohibitions

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

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

Posting of DCY's "Careline"

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

(cf. [4112.5/4212.6](#) - Personnel Records)

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

Legal Reference: Connecticut General Statutes

[10-220a](#) Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)

[10-221d](#) Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)

[10-221s](#) Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)

[17a-28](#) Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93)

[17a](#) 101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)

[17a-101a](#) Report of abuse or neglect by mandated reports. (as amended by PA 02-106, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)

[17a-101i](#) Abuse of child by school employee or staff member of public or private institution or facility providing care for children. Suspension. Notification of state's attorney re: conviction. Boards of education to adopt written policy re: reporting of child abuse by school employee.

[17a-102](#) Report of danger of abuse. (as amended by PA 02-106)

[17a](#) 106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

10-151 Teacher Tenure Act

P.A. 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District

PA 15-112 An Act Concerning Unsubstantiated Allegations of Abuse and Neglect by School Employees

PA 15-205 An Act Protecting School Children

Regulation approved:

**CHILD SEXUAL ABUSE AND ASSAULT
POLICY AND REPORTING PROCEDURE**

The [] Board of Education has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program.

I. Procedures for Reporting of Child Sexual Abuse and Sexual Assault

- A. Parents (or guardians) of students may file a written report of suspected child sexual abuse and/or sexual assault pertaining to any student enrolled in the [] Public Schools. The written report of suspected child sexual abuse and/or sexual assault shall be reasonably specific as to the basis for the report, including the time and place of the suspected abuse and/or sexual assault, the number of incidents, the victim of the child sexual abuse and/or sexual assault, and the names of potential witnesses or others with pertinent information. Such written reports may be filed with any building or central office administrator. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.
- B. Any adult affiliated with the school community may file a written report of suspected child sexual abuse and/or sexual assault pertaining to any student enrolled in the [] Public Schools. The written report of suspected child sexual abuse and/or sexual assault shall be reasonably specific as to the basis for the report, including the time and place of the suspected abuse and/or sexual assault, the number of incidents, the victim of the child sexual abuse and/or sexual assault, and the names of potential witnesses or others with pertinent information. Such written reports may be filed with any building or central office administrator. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.
- C. Students may make written or verbal reports of child sexual abuse and/or sexual assault to any school employee. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.

- D. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the appropriate authority in accordance with Board Policy [#], pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**.

II. Procedures for Review of Reports of Child Sexual Abuse and/or Assault

- A. The Safe School Climate Specialist or designee for the school in which the student is enrolled shall be responsible for reviewing any reports of suspected child sexual abuse and/or sexual assault. In the event that the suspected child sexual abuse and/or sexual assault has not yet been reported to the appropriate authority in accordance with Board Policy [#], pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**, the Safe School Climate Specialist or designee shall promptly cause such a report to be made.
- B. If/when such report alleges that an employee of the Board of Education or other individual under the control of the Board is the perpetrator of child sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall immediately notify the Superintendent of Schools, who shall cause such report to be investigated in accordance with Board Policy [#], pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**.
- C. The Safe School Climate Specialist or designee shall also promptly notify the parents or guardians of the student about whom a report of suspected child sexual abuse and/or sexual assault has been made. The notification requirement shall not apply if a parent or guardian is the individual suspected of perpetrating the child sexual abuse and/or sexual assault. The Safe School Climate Specialist or designee shall offer to meet with the parents or guardians of the student about whom a report of suspected child sexual abuse and/or sexual assault has been made, in order to discuss the district's review and support procedures, including but not limited to: 1) actions that child victims of sexual abuse and/or sexual assault and their families may take to obtain assistance, 2) intervention and counseling options for child victims of sexual abuse and/or assault, and 3) access to educational resources to enable child victims of sexual abuse and/or sexual assault to succeed in school. If either a Department of Children and Families ("DCF") investigation or a police investigation is pending pertaining to the report of suspected child sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall obtain the permission of DCF and/or the police department conducting the investigation prior to informing the parents/guardians of the report.

- D. In the event that the report of suspected child sexual abuse and/or sexual assault alleges that another student enrolled in the [] Public Schools is the perpetrator of the sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall also take appropriate action to investigate or cause such a report to be investigated, and appropriate remedial actions taken, in accordance with Board Policy [#], pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**, Board Policy [#], pertaining to **Bullying Prevention and Intervention**, and Board Policy [#], **Sex Discrimination and Sexual Harassment**.
- E. The Safe School Climate Specialist or designee shall develop a student support plan for any who has been a victim of child sexual abuse and/or sexual assault. The report of suspected sexual abuse and/or assault need not be verified prior to the implementation of a support plan. The elements of the support plan shall be determined in the discretion of the Safe School Climate Specialist or designee, and shall be designed to support the student victim's ability to access the school environment.

III. Support Strategies

- A. Child sexual abuse and/or sexual assault 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 child sexual abuse and/or sexual assault.
- B. The following sets forth possible interventions and supports which may be utilized to support individual student victims of child sexual abuse and/or sexual assault:
 - 1. Referral to a school counselor, psychologist or other appropriate social or mental health service.
 - 2. Encouragement of the student victim to seek help when feeling overwhelmed or anxious in the school environment.
 - 3. Facilitated peer support groups.
 - 4. Designation of a specific adult in the school setting for the student victim to seek out for assistance.
 - 5. Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the victim of sexual abuse and assault.

- C. The following sets forth possible interventions and supports which may be utilized systemically as prevention and intervention strategies pertaining to child sexual abuse and/or sexual assault:
1. School rules prohibiting sexual assault and establishing appropriate consequences for those who engage in such acts.
 2. School-wide training related to prevention and identification of, and response to, child sexual abuse and/or sexual assault.
 3. Age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and sexual assault awareness and prevention that will include information pertaining to, and support for, disclosures of sexual abuse and sexual assault, including but not limited to:
 - (a) the skills to recognize child sexual abuse and sexual assault, boundary violations and unwanted forms of touching and contact, and the ways offenders groom or desensitize victims; and
 - (b) strategies to promote disclosure, reduce self-blame and mobilize bystanders.
 4. Promotion of parent involvement in child sexual abuse and sexual assault prevention and awareness through individual or team participation in meetings, trainings and individual interventions.
 5. Respectful and supportive responses to disclosures of child sexual abuse and/or sexual assault by students.
 6. Use of peers to help ameliorate the plight of victims and include them in group activities.
 7. Continuing awareness and involvement on the part of students, school employees and parents with regards to prevention and intervention strategies.

IV. Safe School Climate Specialists

The Safe School Climate Specialists for the [] Public Schools are:

[list by name, title, school building and email and telephone contact information]

V. Community Resources

The Board of Education recognizes that prevention of child sexual abuse and sexual assault requires a community approach. Supports for victims and families will include both school and community sources. The national, state and local resources below may be accessed by families at any time, without the need to involve school personnel.

A. National Resources:

National Center for Missing & Exploited Children Resource Center

<http://www.missingkids.com/Publications>

699 Prince Street, Alexandria, Virginia 22314-3175

24-hour call center: 1-800-843-5678

- Online resource center contains publications on child safety and abuse prevention, child sexual exploitation, and missing children.

National Children's Advocacy Center

www.nationalcac.org

210 Pratt Ave., Huntsville, Alabama 35801

Telephone: (256) 533-5437

National Child Traumatic Stress Network

www.nctsn.org

General information on childhood trauma, including information on child sexual abuse.

- NCCTS — Duke University
1121 West Chapel Hill Street Suite 201
Durham, NC 27701
Telephone: (919) 682-1552

National Sexual Violence Resource Center (Includes Multilingual Access)

<http://www.nsvrc.org/projects/multilingual-access/multilingual-access>

123 North Enola Drive

Enola, PA 17025

Toll Free Telephone: 877-739-3895

Darkness to Light

<http://www.d2l.org>

Grassroots national non-profit organization to educate adults to prevent, recognize and react responsibly to child sexual abuse.

1064 Gardner Road, Suite 210

Charleston, SC 29407

National Helpline: (866) FOR-LIGHT

Administrative Office: (843) 965-5444

B. Statewide Resources:

Department of Children and Families

<http://www.ct.gov/dcf/site/default.asp>

Connecticut agency responsible for protecting children who are abused or neglected
505 Hudson Street

Hartford, Connecticut 06106

Child Abuse and Neglect Careline: 1-800-842-2288

Telephone, Central Office: (860) 550-6300

- FAQs About Reporting Suspected Abuse and Neglect:
<http://www.ct.gov/dcf/cwp/view.asp?a=2534&Q=314388&dcfNav=>

The Connecticut Alliance to End Sexual Violence

<http://EndSexualViolenceCT.org/>

Telephone: (860) 282-9881

Statewide coalition of community-based sexual assault crisis service programs working to end sexual violence through victim assistance, public policy advocacy, and prevention education training. Each member center provides free and confidential 24/7 hotline services in English and Spanish, individual crisis counseling, support groups, accompaniment and support in hospitals, police stations, and courts, referral information, and other services to anyone in need.

- *To find a Connecticut Alliance to End Sexual Violence member program please visit: <http://endsexualviolencect.org/who-we-are/our-members/>*

Connecticut Children's Alliance

www.ctchildrensalliance.org

75 Charter Oak Ave Suite 1-309

Hartford, Connecticut 06106

Phone: (860) 610-6041

CCA is a statewide coalition of Child Advocacy Centers and Multidisciplinary Teams.

Connecticut Network of Care

<http://connecticut.networkofcare.org>

Connecticut Network of Care is an online information portal listing programs and support groups for sexual assault and abuse in Connecticut.

C. Local Resources:

[Local resources will vary depending on the district's location; many State-level resources indicate applicable regional offices and programs.]

Legal References:

Conn. Gen. Stat s. 17a-101q, Statewide Sexual Abuse and Assault Awareness and Prevention Program

ADOPTED: _____

REVISED: _____

9/21/2016

WPS Existing

Personnel

Reports of Suspected Abuse or Neglect of Children

Conn. Gen. Stat. Section 17a-101 et seq. requires certain educational personnel (school teachers, school administrators, school superintendents, school guidance counselors, school coaches and paraprofessionals) as well as registered and licensed practical nurses, psychologists, social workers, mental health professionals, and certain professional counselors who have reasonable cause to suspect or believe that a child has been abused or neglected to report such abuse and/or neglect. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, in accordance with the procedures set forth below. For purposes of this policy, school employees also include any person who, under a contract with the Board, and 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.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected child abuse and/or neglect, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school superintendents, school guidance counselors, school coaches, paraprofessionals, registered and licensed practical nurses, psychologists, social workers, mental health professionals, certified alcohol and drug counselors and any other licensed professional counselor.

3. What Must Be Reported

A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that a child under the age of eighteen:

- a) has been abused or neglected;
- b) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
- c) is placed at imminent risk of serious harm.

4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.
- (2) The employee shall also make an oral report as soon as practicable to the Superintendent or the Superintendent's designee.
- (3) In cases involving suspected or believed abuse or neglect by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and Families or his/her representative containing all of the required information.

(5) The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.

(6) If the report concerns suspected abuse or neglect by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

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

a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.

(1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.

(2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.

b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

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

- a) The names and addresses of the child and his/her parents or other person responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
- i) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report. Recognizing the fact that the Department of Children and Families ("DCF") is the lead agency for the investigation of child abuse and neglect reports, the Superintendent's investigation shall be coordinated with DCF and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators of the alleged abuse, or where DCF has indicated that obtaining such consent will interfere with its investigation.

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

a) Evidence of Abuse by a School Employee Holding a Certificate, Authorization or Permit Issued by the State Department of Education

If, upon completion of the investigation by the Commissioner of Children and Families ("Commissioner"), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that a child has been abused by a school employee who holds a certificate, permit, or authorization issued by the State Department of Education, and that the Commissioner has recommended that such employee be placed on the child abuse and neglect registry, the Superintendent shall make a written request to the Commissioner that he or she provide all records, whether or not created by DCF, concerning such investigation to the Superintendent. In addition, the Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits.

Within seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or his or her representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from DCF to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. For certified personnel, such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section [10-151](#).

Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a school staff member who holds a certificate, permit or authorization issued by the State Department of Education.

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

b) Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused by a non-certified school staff member, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

8. Delegation of Authority by Superintendent

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

9. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 10 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

10. Non-discrimination Policy

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

Legal References:

Connecticut General Statutes:

Section [10-151](#)

Section [17a-101 et seq.](#)

Section [17a-103](#)

Public Act 09-242, "An Act Concerning Sexual Activity between School Workers and Students and Including School Superintendents as Mandated Reporters of Child Abuse or Neglect"

Policy Adopted: March 22, 2010

Personnel - Certified**Evaluation and Support Program**

It is universally accepted that good teaching is the most important element in a sound educational program. Student learning is directly affected by teacher competence; therefore, teacher evaluation shall be accomplished using a teacher evaluation plan which demonstrates a clear link between teacher evaluation, professional development and improved student learning. (The educator evaluation and support plan or revisions must be approved annually by the State Department of Education prior to District implementation.)

The submission of the District's evaluation plans for SDE review and approval, including flexibility requests, shall take place no later than the annual deadline set by the State Department of Education.

Note: "Teacher" or "Administrator" for purposes of evaluation shall include each professional employee of the Board, below the rank of Superintendent, who holds a certificate or permit issued by the State Board of Education.

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall annually evaluate or cause to be evaluated all certified employees in accordance with the teacher evaluation and support program, developed through mutual agreement with the Professional Development and Evaluation committee for the District. The required union representation on such committee shall include at least one representative from each of the teachers' and administrators' unions. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education shall adopt and implement a teacher evaluation and support program. Such teacher evaluation and support program shall be developed through mutual agreement with the District's Professional Development and Evaluation Committee. If unable to attain mutual agreement, the Board and the Professional Development and Evaluation Committee shall consider adopting by mutual agreement the State Board of Education (SBE) adopted model teacher evaluation and support program without any modification. Further, if the Board and the Professional Development and Evaluation Committee fail to agree on the SBE model, the Board, will use its statutory authority to adopt and implement a teacher evaluation program of its choice, provided such program is consistent with the SBE adopted guidelines.

The system-wide program for evaluating the instructional process and all certified personnel is viewed as one means to improve student learning and insure the quality of instruction. The evaluation plan shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. *Further, claims of failure to follow the established procedures of such teacher evaluation and support program shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.

Note: The district's evaluation plan, submitted to the State Department of Education for approval, may be the district's selection of the state model evaluation plan, SEED (Connecticut's System for Educator Evaluation and Development), or a hybrid of SEED, or a district proposed alternative evaluation and support plan which fulfills the state guidelines.

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate.

The State Board of Education as required has adopted guidelines for a model teacher and administrator evaluation and support program which is to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The guidelines include, but are not limited to:

1. The use of four performance evaluations designators: exemplary, proficient, developing and below standards;
2. The use of multiple indicators of student academic growth and development in teacher and administrative evaluations;
3. Methods for assessing student academic growth and development;
4. A consideration of control factors, tracked by the state-wide public school information system that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility;
5. Minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings;
6. The development and implementation of periodic-training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or RESC to teachers whose performance is being evaluated and to administrators who are conducting the performance evaluations;
7. The provision of professional development services based on individual or group needs identified through the evaluation process;
8. The creation of individual teacher improvement and remediation plans for teachers who are rated "developing" or "below standard" in

performance, designed in consultation with such teacher and his/her exclusive bargaining representative chosen pursuant to CGS 10-1536;
9. Opportunities for career development and professional growth; and
10. A validation procedure to audit evaluation ratings of "exemplary" or "below standard" evaluation ratings by the SDE or third-party entity approved by the SDE.

The Superintendent shall annually evaluate or cause to be evaluated each teacher and administrator in accordance with the teacher evaluation and support program and may conduct additional formative evaluations toward producing an annual summative evaluation.

In the event that a teacher or an administrator does not receive a summative evaluation during the school year, such individual shall receive a rating of "not rated" for that year.

Note: The SBE may waive the requirement of consistency with SBE's model guidelines for any district that, before the model guidelines are validated, (after the pilots 2012-2013), developed a teacher evaluation program that is determined by the SBE to substantially comply with the guidelines.

The Superintendent shall report to the Board by September 15th annually on the status of the evaluations. In addition, annually, by dates determined by the State Department of Education, the Superintendent shall report to the Commissioner of Education on the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate evaluation ratings, the number of teachers and administrators not evaluated, and other requirements as determined by the State Department of Education.

Improvement and Remediation Plans

Teachers rated "below standard" or "developing" shall have a well-articulated improvement and remediation plan that:

1. is developed in consultation with the teacher and his/her union representative and is differentiated by the level of identified need and/or stage of development;
2. identifies resources, support, and other strategies to be provided by the Board to address documented deficiencies;
3. contains a timeline for implementing such measures in the same school year as the plan is issued; and
4. provides success indicators that include a minimum overall rating of "proficient" at the end of the improvement and remediation plan.

Evaluation Training

The Board, prior to any evaluation conducted under the teacher evaluation and support program, shall conduct training programs for all evaluators and orientation for all District teachers regarding the District's teacher evaluation and support program. Such training shall provide instruction to evaluators regarding how to conduct proper performance evaluations prior to conducting an evaluation under the teacher evaluation and support program. The orientation for each teacher shall be completed before a teacher receives an evaluation under the teacher evaluation and support program.

Note: "Teacher" includes all certified employees below the rank of Superintendent.

Implementation Plan

The Board of Education recognizes that the State Board of Education (SBE) utilizes a flexible plan for the implementation of Connecticut's Educator Evaluation and Support System.

Note: Districts intending to renew or request waivers shall do so in conformity with the process and timelines established by the State Department of Education.

Options: The District will:

- Implement the SEED state model in its entirety and implement all components as written within the Handbook.
- Use the State Department of Education approved plan with adopted flexibilities.
- Use a District developed plan. (Such plan must have at least one variation from any of the elements/components of the SEED model.)

Beginning with the 2014-15 school year and all subsequent years, the submission of the District's evaluation plans for State Department of Education's review and approval, including flexibility requests, shall take place by annual deadlines set by the State Department of Education.

Complementary Observers

The primary evaluator for most teachers will be the school principal or assistant principal who will be responsible for the overall evaluation process, including assigning summative ratings. The District may also decide to use complementary observers to assist the primary evaluator. Complementary observers are certified educators, who may have specific content knowledge, such as department heads or curriculum coordinators. Complementary observers shall be fully trained as evaluators in order to be authorized to serve in this role.

Complementary observers may assist primary evaluators by conducting observations, including pre- and post-conferences, collecting additional evidence, reviewing student learning objectives (SLOs) and providing additional feedback. A complementary observer shall share his/her
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feedback with the primary evaluator as it is collected and shared with teachers.

Primary evaluators will have sole responsibility for assigning final summative ratings. Both primary evaluators and complementary observers must demonstrate proficiency in conducting standards-based observations.

Dispute-Resolution Process

In accordance with the requirement in the "Connecticut Guidelines for Teacher Evaluation and Professional Development," in establishing or amending the local teacher evaluation plan, the Board of Education shall include a process for resolving disputes in cases where the evaluator and teacher cannot agree on goals/objectives, the evaluation period, feedback or the professional development plan.

When such agreement cannot be reached, the issue in dispute may be referred for resolution to a subcommittee of the Professional Development and Evaluation Committee (PDEC). The Superintendent and the collective bargaining unit for the District shall each select one representative from the PDEC to constitute this subcommittee, as well as a neutral party as mutually agreed upon between the Superintendent and the collective bargaining unit. In the event the designated committee does not reach a unanimous decision, the issue shall be considered by the Superintendent whose decision shall be binding. This provision is to be utilized in accordance with the specified processes and parameters regarding goals/objectives, evaluation period, feedback, and professional development contained in this document entitled "Connecticut Guidelines for Educator Evaluation." Should the process not result in resolution of a given issue, the determination regarding that issue shall be made by the Superintendent. An example will be provided within the State model.

Note: The above is an illustrative example of such a process provided by the State Board of Education.

Data Management

Annually prior to September 15, the District's Professional Development and Evaluation Committee will review and report to the Board the user experiences and efficiency of the District's data management system/platform to be used by teachers and administrators to manage the evaluation plans.

Annually, data management systems/platform to be used by teacher and administrators to manage evaluation plans shall be selected by the Board with considerations given to functional requirements/needs and efficiencies identified by the Professional Development and Evaluation Committee.

Such plans shall consider guidance pertaining to the entry of data into the District's data management system/platform needed to manage the evaluation plan. Such guidance shall address items to be entered, prohibitions pertaining to the sharing and transference of individual teacher data to another district or entity without consent of the teacher or administrator, limits on the access to teacher and administrator data and a process for recording authorized individuals' access to information.

Audit

The Board, if selected, will participate as required, in an audit of its evaluation program, conducted by the State Department of Education.

All teachers teaching in public schools at the elementary, middle and high school levels (including special education teachers) must be determined to be an "effective educator," as defined in the Every Student Succeeds Act. To be determined an "effective educator," a teacher must meet state certification and licensure criteria.

The reauthorized Individuals with Disabilities Act (IDEA) identifies special education teachers as teachers who must demonstrate competency in the core academic subjects that they teach.

The District evaluates a teacher's subject-matter competency in the core academic content areas, based on the Common Core of Teaching (CCT), using both of the following:

- A. foundational skills and competencies; and
- B. the discipline-based professional standards.

(cf. [2400](#) - Evaluation of Administrators and Administration)

(cf. [4111/4211](#) - Recruitment and Selection)

(cf. [4131](#) - Staff Development)

Legal Reference: Connecticut General Statutes

[10-145b](#) Teaching certificates.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151b](#) Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, P.A.)

[10-111](#), P.A. 12-116, PA 12-2 (June Special Session), PA 13-245, PA 15-5 (June Special Session)

[10-151c](#) Records of teacher performance and evaluation not public records.

[10-220a\(b\)](#) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

PA 11-135 An Act Concerning Implementation Dates for Secondary School Reform.

PA 12-116 An Act Concerning Education Reform (as amended by PA 13-145 An Act Concerning Revisions to the Reform Act of 2012.)

Connecticut Guidelines for Educator Evaluation, adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED) state model evaluation system.

"Flexibility to Guidelines for Educator Evaluation" adopted by Connecticut State Board of Education, February 6, 2014

34 C.F.R. 200.55 Federal Regulations.

PL 114-95 Every Student Succeeds Act, §9213

Policy adopted:

Personnel --Certified**Evaluation**

The Professional Development and Evaluation Program (PDEP) is the system used in Westport for evaluating teachers' performance and fostering professional improvement. The ultimate goal of PDEP is the improvement of instruction, resulting in improved student learning.

The evaluation component of PDEP serves three basic purposes: the first is to improve student learning, the second to help teachers improve; the third is to establish the basis for decisions about a teacher's employment status. PDEP employs a constructive approach to evaluation that has improvement of performance and high student achievement as its objective.

The basic assumption underlying Westport's system of staff evaluation is that staff members are capable of increasing their skills and willing to make efforts to do so. The PDEP evaluation process provides teachers with the feedback and support necessary for them to develop their professional skills. The Plan complies with State mandates.

Basic Performance Expectation

Performance expectations for Westport teachers, administrators and school psychologists, guidance counselor, social workers and speech/language pathologists are enumerated in the evaluation document. These are the standards by which the performance of staff members is assessed. The standards are used by the supervisor in making employment status recommendations for staff.

The evaluation document references the "Connecticut Teaching and Administrative Competencies".

(cf. [4131](#) - Staff Development)

Legal Reference: Connecticut General Statutes

[10-145b](#) Teaching certificates

[10-151b](#) Evaluation by superintendent of certain educational personnel. (as modified by Public Act [95-58](#) An Act Concerning, Teacher Evaluations, Tenure and Dismissal)

[10-220a](#) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

Policy adopted: May 16, 1988

Policy revised: 2004

Personnel - Certified**Evaluation****Coaches**

There shall be an annual evaluation of all coaches, to be conducted by the athletic director or the coach's immediate supervisor. Each coach shall receive a written copy of the evaluation.

The purposes of evaluation are:

1. To provide a systematic process whereby coaches may increase the effectiveness of their services to the athletic program utilizing the available professional resources.
2. To provide an opportunity for coaches to analyze their strengths and weaknesses, and to discuss objectively the contributions they have made to the athletic program.
3. To provide an opportunity for the administrative staff to analyze the strengths and weaknesses of individual coaches, and to utilize this knowledge to develop supervisory service to assist individuals in developing their competence.
4. To provide an effective means by which administrators may make recommendations concerning the continued employment of personnel, the granting of increments, and/or other recommendations to the Board of Education.

It is the responsibility of all administrators, coaches and other professional staff members to recognize that the district schools intend to seek and maintain the best qualified staff to provide quality coaching for student athletes. In keeping with this goal, all personnel are expected to participate fully in the appraisal process.

An integral part of this process is self appraisal. The self and administrative appraisals include: knowledge of sports area, coaching skills and techniques, attitudes, behavior patterns, values and ethics.

Any coach that has held the same coaching position for three or more years, for which the Board terminates or non-renews the contract shall be informed of the Board's decision within ninety (90) days of the completion of the sport season covered by the contract. The coach may request a written statement from the Board specifying the reason(s) for the Board's action. The statement shall be provided within thirty (30) days of the request. The decision to terminate or non-renew the coach's contract may be appealed by the coach in a manner prescribed by the Board.

The Board may terminate the contract of any coach at any time for reasons of moral misconduct, insubordination or a violation of the rules of the Board or because a sport has been cancelled by the Board.

Legal Reference: Connecticut General Statutes

[10-149](#) Qualifications for coaches of intramural and interscholastic athletic coaches (as amended by P.A. 13-41)

[10-151b](#) Evaluation by superintendent of certain educational personnel

[10-220a](#) In-service training

[10-222e](#) Policy on evaluation and termination of athletic coaches (as amended by P.A. 13-41)

P.A. 13-41 An Act Concerning Hiring Standards for Athletic Directors

P.A. 02-243 An Act Concerning Notification in Cases of Termination of Coaches

Policy adopted:

Personnel – Certified**Employment of Athletic Coaches**

It is the policy of the Board of Education of the Town of Westport (the “Board”) that an athletic coach employed by the Board shall:

1. adhere to all Board policies, rules and regulations;
2. conduct himself or herself in a professional manner;
3. serve as a role model for students; and
4. demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term “athletic coach” means any person holding a coaching permit who is hired by a local or regional board of education to act as a coach for a sport season. This term “coach” under this policy shall include coaches who have direct responsibility for one or more teams [assistant coaches who serve as coach to a team (e.g., JV)] and other assistant coaches.

I. Evaluations

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach's immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation.

II. Employment of an Athletic Coach

Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (e.g., basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for two or more consecutive school years, the following procedures shall apply. The Athletic Director may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Athletic Director or the Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

III. Hearing Procedures

An athletic coach who has served in the same coaching position for two or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) as follows:

First, within seven school days of the written notification of non-renewal or termination, the coach may file a written request to the Superintendent for review of that decision. Failure to submit a timely request for review shall constitute a waiver of said opportunity for review. The Superintendent shall meet with the coach, the evaluator and other appropriate personnel, and shall render a written decision on the matter within seven school days of such meeting.

If the coach is not satisfied with the decision of the Superintendent, the coach may appeal to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written decision. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, a subcommittee of the Board that consists of no more than four (4) members, shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing (generally within fourteen (14) school days), the Board shall evaluate the findings of its subcommittee and shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Public Act 04-243

Policy adopted: May 2, 2005

Personnel - Certified and Non Certified

Personnel Records

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the State Department of Education or the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure - unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes

[1-213](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-214](#) Objection to disclosure of personnel or medical files (as amended by PA 18-93)

[1-215](#) Record of arrest as public record.

[1-206](#) Denial of access to public records or meetings.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151c](#) Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993)

The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

Policy adopted:

Personnel --Certified/Non-Certified**Personnel Records: Regulation**

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent or designee, on behalf of the Board, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

The records will be disclosed unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.

Records of a teacher's performance and evaluation shall not be released without the written consent of the teacher.

All written materials shall be made available for inspection by the employee and a collective bargaining representative, if any, involved at an off-duty time in the presence of an administrator. Upon request, in accordance with state law, a professional employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

Legal Reference: Connecticut General Statutes

[1-19b](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-20a](#) Objection to disclosure of personnel or medical files.

[1-21i\(b\)](#) Denial of access to public records or meetings.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151c](#) Records of teacher performance and evaluation not public records.

Regulation approved: 2006

Personnel -- Certified

Probationary/Tenure Status

Teacher Tenure Interpretations

A. Teachers with less than forty consecutive school months of Westport service go on tenure at the time forty consecutive school months of Westport service is completed on the recommendation of the Superintendent of Schools and offered a contract to return for the following year. During this probationary period, the Board of Education may notify the teacher prior to April 1 that his/her contract will not be renewed for the following year. Upon a teacher's written request, such notice shall be supplemented within seven days by a statement of the reason or reasons for such failure to renew. Within twenty days of receipt of non-renewal notice, the teacher may request in writing a hearing before the Board of Education, unless the reason for the non-renewal is elimination of position or loss of position to another teacher, to be held within fifteen days of such request, and at such hearing the teacher has a right to appear with counsel of his choice.

B. When a teacher who has attained tenure status in another Connecticut town moves to Westport, he/she becomes covered by the tenure provisions of the law after twenty consecutive school months unless April 1 non-renewal notice is given him/her prior to the completion of twenty months service.

C. Westport "service" includes only that teaching experience in Westport for teachers holding certificates issued by the State Board of Education.

D. Tenure includes all certified staff members below the rank of Superintendent. When a person moves from a Westport teaching assignment to an administrative position he/she retains his/her tenure rights as a teacher, but must serve a three (3) year probationary period in administrative work.

E. A tenure teacher who is granted a leave of absence by the Board does not forfeit tenure rights. However, a tenure teacher who interrupts continuity of service by resignation or transfer to another system, must serve the probationary period of 20 months upon reemployment.

Teachers who leave the Westport schools prior to attaining tenure must serve the full probationary period of forty consecutive months after re-employment.

Legal Reference: Connecticut General Statutes

[10-151](#) - Employment of Teachers. Definitions.

Notice and hearing on failure to renew or termination of contract. Appeal.

Policy adopted: July 1964

Policy revised: 2006

Personnel - Certified

Study/Use of Religious Symbols, Music, etc.

Study/Display: On a developmentally appropriate basis, the school system should encourage students to learn about the customs, practices and holiday celebrations of many different religions and cultures. Studies of the religious histories, arts, symbols, and tenets, must be for educational purposes, and must neither advocate nor disparage the practice of religion or the beliefs of any particular religion.

1. **Religious Holidays:** May be noted at appropriate times; their historical origins, contemporary significance and symbols may be studied. Teachers should be sensitive to children of different religions and provide balance in assignments.
2. **Religious Symbols:** These include Buddha, Crèche, Cross, Star of David, and symbols of other religions that may be studied within the curriculum. These are sacred to particular faiths and belong primarily in a place of worship or a home. School use must be for educational purposes only, on a brief, temporary basis.
3. **Holiday Symbols:** Symbols such as Santa Claus, menorah, dreidels, shofar, Easter eggs, Christmas wreaths and trees, etc., while they may have no religious significance or liturgical applications, have unquestionably become associated with religious celebrations. Therefore, to avoid having students or visitors to the schools feel uncomfortable or left out, staff should be sensitive when displaying holiday symbols. If used in classrooms or hall bulletin boards, they are to be used in an educational context, and are to reflect cultural and religious diversity.

Decorations in public areas should be minimal. They should not use the holiday symbols of one religion exclusively or dominantly, or display them in such a way as to suggest that the school is celebrating a particular religious holiday.
4. **Art, Literature, Music:** Some of the world's greatest art, music and literature were developed in connection with religion. They may be studied if presented in an objective and neutral manner as the cultural heritage of religious holiday.

Performances: Follow these guidelines for winter holiday programs:

1. Material for performances near religious holidays must be chosen on the basis of educational merit.
2. Material associated with one religion should not dominate a program.
3. Sacred music should **not** be included in elementary schools, as there is a wide selection of non-sacred music appropriate for this age group.
4. Sacred music may be used at the middle schools and Staples. We rely on the sensitivity of our staff to plan a mixture of secular and sacred music, to seek balance so that sacred music of one religion does not dominate, and to convey that study and/or performance of such music will not be construed as a religious holiday observance.

Scheduling

Normal School/Extra Curricular Activities: No school events (including rehearsals, games and athletic practices) are to be scheduled on major religious holidays that are also school holidays, i.e., Good Friday, Easter, Christmas, Rosh Hashanah, Yom Kippur. Normal school activities may proceed on religious holidays that are not school holidays but **students are not to be required to attend or to be penalized for missing practices, rehearsals, etc., because of religious observance.** Jewish holidays run from sundown the evening before the holiday to just after sundown on the day of the holiday. Therefore, avoid evenings before the holidays.

Special Programs: On religious holidays that are *not* school holidays, some observant children may miss school or be involved in family observances the night before. Therefore, although normal school activities may be scheduled, *whenever possible* do not schedule special programs, assemblies, one-time performances, field trips, proms, or other activities that are *unique or hard to duplicate* on days or evenings when some students may be unable to attend. The same sensitivity should be shown in planning programs for parents such as Back-to-School Nights, curriculum nights, and special informational meetings, so that those involved in religious obligations do not miss important events.

Exceptions: There may be times when such scheduling is unavoidable because of the involvement of other districts, athletic leagues, etc., or because a particular site or speaker is available only at that time. Similarly, in developing the system-wide calendar, avoidance of scheduling on a religious holiday may be difficult or may not be possible because of conflicts with other school or school system events, staff members' own schedules, etc.

Homework and Tests: Students involved in religious observance or family celebrations on some holidays may not have the time to do schoolwork assigned specifically over the holiday period, or to study for a test scheduled for the very next day. Teachers may find it least complicated not to assign homework to be due on, or schedule tests for, those days. If assignments are unavoidable, students observing the holidays are to be given the opportunity to make up tests or homework. *All students should be required to do all assigned work but no student should be penalized for religious observances.*

Note: *The homework caveat need not apply to assignments given many weeks in advance.* During any lengthy period, many students encounter diversions due to family obligations, temporary illness, extra-curricular activities, and after school jobs, as well as religious observances. It is appropriate to expect students to plan ahead, so that they can complete their work on time despite those other demands.

New Material: Teachers should avoid introducing new material, or work that would be difficult to repeat or make up, on days when some students may be absent for religious observance.

Regulation approved: 1996

Mission-Goals-Objectives

Goals for the Public Schools

Introduction

The terms "goal", "objective", and "performance objective" parallel those originally published by the American Association of School Administrators.

Goal: "A goal statement is one step more precise than a mission statement. Many goal statements may come out of a mission declaration. Each describes a desired terminal point to be reached sometime in the future to fulfill the mission, and general directions to pursue the mission. A goal statement, likewise, remains too broad to be useful in identifying specific operational activities. A goal is seen by some as a "broad objective". It must be broken down further if its declarations and outcomes are to serve as guides to action."

Objective: "An objective is an outcome statement that is consistent with and grows out of a related goal statement. It is a more specific expression of a position, behavior, process, or product to be achieved by a major operational division of an organization over a shorter time period. It is a desired outcome that is capable of being measured with specificity."

Performance Objective: "Performance objectives are more sharply focused on specific objectives. Usually they describe outcomes that are measurable and achievable relatively quickly. They are likely to be set primarily for categories, departments, or units within an organization for specific administrators."

These goals are presented with the full realization that the school is only one of several social institutions or influences affecting the child. Its contribution is modified by the intellectual, social, emotional, and affective potentialities that each child brings to the school environment. Our intent is that the school should contribute as fully as possible to the development of each child in the directions indicated by the goals stated.

It is the responsibility of the School Administration and Staff to delineate and update those educational objectives and performance objectives which at each school level will best achieve the goals as stated, together with the means to evaluate periodically the attainment of such objectives. Only then will these goals have full meaning.

To implement the Philosophy of the Public Schools, we accept this charge:

1. to enable students to grow academically, socially, and emotionally by encouraging them to accept responsibility and to understand the consequences of their decisions;

2. to provide students with opportunities to master basic skills essential to competent functioning in society, including the ability to read, write, listen, and speak and view proficiently; to manipulate basic mathematical concepts; and to acquire a general knowledge of the sciences;

3. to enable students to apply knowledge, problem solving techniques, creativity, and current technology from the various disciplines to the challenges presented by our changing society and physical environment;

4. to enable students to pursue independent thought and research through both assigned and self initiated projects;

5. to enable students to explore the world's cultural heritage through experiences which help to broaden social awareness;

6. to provide curricular and co curricular activities which will give students the opportunity to grow aesthetically, emotionally, intellectually, physically, and socially through interaction with others;

7. to provide appropriate programs and services for students with special intellectual, physical, and emotional needs;

8. to enable students to develop aesthetic appreciation through integral experiences in art, music, science, literature, and languages;

9. to enable students to acquire the skills necessary for intellectual growth using Educational Information Services and programs, and instruction in the use of appropriate resources to support their learning;

9.10. to enable students to develop as healthy individuals by providing life skills through health and physical education programs and health services;

1011. to enable students to develop personal and vocational skills through appropriate grade level experiences in foreign language, practical., and technical arts;

1112. to enable students to meet their academic, personal, social, emotional, and vocational needs through guidance, counseling, and special services;

1213. to enable students to learn the responsibilities of citizenship in a democracy, emphasizing participation in global, national, and community affairs through practical curricula and co curricular activities in the social sciences;

1314. to enhance the capabilities of the staff by setting expectations and by providing opportunities for growth through professional development and other experiences;

1415. to foster greater community understanding and support by encouraging citizen involvement in school activities and programs;

1516. to provide a safe and orderly environment conducive to the learning process.

(cf. 0100 Mission Statement)

Legal Reference: Connecticut General Statutes

10-4(c) Duties of board. Reports. Comprehensive plan for elementary, secondary, vocational, career and adult education.

10-220(b) Duties of boards of education

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Business and Non-Instructional Operations

Safety Complaints/Records and Reports

The Superintendent of Schools shall:

1. develop procedures for reporting all complaints relative to school transportation safety, including complaints about bus drivers;
2. shall maintain a written record of all such complaints;
3. within thirty days of the close of school each year, submit a report containing all complaints received within the previous twelve month period to the Commissioner of Motor Vehicles;
4. within ten days of its occurrence, the Superintendent make a written report to the Commissioner of Motor Vehicles, on the form prescribed by the Commissioner, of the circumstances involving a motor vehicle and any student pedestrian at, or in the immediate vicinity of, a school bus stop;
5. on a regular basis, and upon occurrence as appropriate, review with the Board of Education any complaints received and any accidents reported between motor vehicles and district students.

Legal Reference: Connecticut General Statutes

10-221c Development of policy for reporting complaints re school transportation safety. Reporting of accidents at school bus stops.

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Business and Non-Instructional Operations

Food Service

Charging Policy

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

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

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

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

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

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

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

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

Charging is not encouraged by the District but on those occasions that a student does not have money, they will be offered an alternate meal. Examples of alternate meals include, but are not limited to, the following: (The District should decide which alternate choices will be offered and include the appropriate choices as part of this text.)

- A peanut butter and jelly sandwich and milk;
- A tuna salad sandwich and milk;
- A cheese sandwich and milk; or
- Cereal and milk.

The cost of providing this alternate meal cannot be incurred by the school food service account and the charge for this alternate meal will be \$ _____.

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

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

Definitions

"Alternate Meals" are not clearly defined in federal and state regulations. The use of alternate meals refers to any meal served to a student that is different from the day's advertised reimbursable meal. Alternate meals are most often provided to those students who have forgotten their meal

payment(s) or medium of exchange.

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

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

Elementary Students (Options to consider/choose)

1. The District shall maintain a "no charging policy." The charge/no charge policy will be strictly enforced to eliminate unnecessary debt within the School Food Service Program.
2. The District uses _____, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$6.00. When the charge limit is reached, an alternate meal will be provided consisting of one or more of the alternate meal examples mentioned above until the charges are paid in full. This meal will not be charged to the student's meal account. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.) Negative balance status can be avoided by making a payment in the form of cash, check, or by credit card to the _____ website.
3. Students shall be allowed up to three (3) reimbursable meal charges. (District can consider a different number). All other a-la-carte items shall not be charged. After three charges, an alternative meal shall be provided. The alternate meal shall consist of one or more of the examples listed above. When a charge is occurred, a written notification shall be sent home to parents. All credited meals must be repaid.
4. No elementary or middle school student shall be deprived a reimbursable meal due to forgotten or lost meal money. The school Principal will be responsible for maintaining a fund of money to loan to students without meal money. The pool of money may be established from school or PTA/PTO funds. The Principal or his/her designee is responsible for collecting money that has been loaned to students. Students will be responsible for repaying all loaned money within an established timeframe. A note shall be given to the student to take home or mailed to the student's home to inform parents of the loan obligation. In situations in which a student is consistently without meal money, the Principal or his/her designee should encourage the parent/guardian to apply for free or reduced price meals.
5. The District strongly discourages meal charges, but understands that an occasional emergency makes it necessary at the elementary level. The District/school policy is as follows:
 - a. All charges must be paid in 10 days.
 - b. Students may not charge more than 5 reimbursable meals.
 - c. After the fifth meal, the school will provide an alternate meal consisting of one or more of the choices listed above.
 - d. Parents will be notified and asked for prompt payment after 3 charges.
6. Students shall be allowed to charge up to five meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification that the child will then be given an alternate meal consisting of one or more of the choices listed above. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application.

Secondary Students (Options to consider/choose)

1. A student shall not be allowed to purchase any reimbursable meal on credit. An alternate meal will be provided, consisting of one or more of the alternate choices mentioned earlier. The cost of this meal cannot come out of the school food service account.
2. The District uses _____, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$6.00. No snacks or a-la-carte items may be charged. When the charge limit is reached, an alternate meal will be provided consisting of one or more choices listed above until the charges are paid in full. This alternate meal will not be charged to the student's account. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.) If a student with a negative balance attempts to purchase a-la-carte items with cash, the money must first be applied to the negative balance.
3. Students may charge up to _____ meals at the middle school level and 2 meals at the high school level. Once the charge limit has been met, a modified meal consisting of a cheese sandwich and beverage will be offered. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.)
4. Students shall be allowed to charge up to two meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification that the child will then be given an alternate meal consisting of one or more of the alternate choices

listed above. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application.

District-Wide (Options to consider/choose)

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

Delinquent Debt and Bad Debt

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

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

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

Dissemination of Policy

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

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

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

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

(cf. [3542](#) - Food Service)

(cf. [3542.31](#) - Free or Reduced Price Lunch Program)

Legal Reference: Connecticut General Statutes

[10-215](#) Lunches, breakfasts and other feeding programs for public school children and employees.

[10-215a](#) Nonpublic school and nonprofit agency participation in feeding programs.

[10-215b](#) Duties of State Board of Education re feeding programs.

State Board of Education Regulations

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

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

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

USDA Guidance:

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

Policy adopted:

Business and Non Instructional Operations

Food Services

Food Service Personnel - Code of Conduct

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by the Child Nutrition Program (CNP) funds. These programs include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program.

No employee, officer or agent of the _____ School District shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements of work, invitations, for bids, requests for proposals, contract terms and conditions of other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for such procurements regardless of the procurement method used.

Conflicts of interest arise when a school district employee:

1. Has a financial or other interest in the firm selected for the award;
2. Is an employee, officer, or agent of the firm selected for the award;
3. Has a member of the immediate family who is an employee, officer or agent of the firm selected for the award;
4. Is about to be employed by the firm selected for the award; or
5. Has a member of the immediate family who is about to be employed by the firm selected for the award.

The _____ School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of material monetary value from contractors, potential contractors or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

_____ Board of Education employees, officers and agents shall be governed by the following rules:

1. The purchase during the school day of any food or service from a contractor for individual use is prohibited.
2. The removal of any food, supplies, equipment or school property, such as official records, recipe books, and the like is prohibited unless express permission of the Food Service Coordinator/Business Manager/Cafeteria Supervisor has been granted.
3. The outside sale of such items as used oil, empty cans and the like will be sold by contract between the _____ School District and the outside agency.
4. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by this Code of Conduct could result in a fine, suspension or dismissal.

Resolution of Controversies

Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the Superintendent or his/her designee.

1. The protest shall be in writing.
2. The protest shall be delivered within 10 days of the action which is being aggrieved.
3. A hearing will be scheduled within 15 days of receipt of protest.
4. The proposed purchase will be delayed until the protest is resolved unless the delay will result in disruption of meal service to children. In the event it is determined that the purchase is necessary, an emergency shall be declared by the Superintendent/Assistant Superintendent for Business/purchasing agent and emergency purchase procedures will be followed until protest resolution.
5. The decision of the hearing officer shall be in writing and shall be delivered to the aggrieve supplier with proof of delivery required.
6. The aggrieved supplier shall be notified that an appeal of the hearing officer's decision is possible. The appeal request should be written and addressed to the Board of Education.

Public Access to Procurement Information

1. Procurement information shall be a public record to the extent provided in Connecticut's Freedom of Information law.
2. All bid/offers shall be taken under advisement. Between the time an IFB/RFP is opened and awarded it may be viewed by any company or individual who entered a response, to the proposed intent to purchase.
 - a. Any supplier providing information, as a part of a proposal or offer shall stamp each page or sealed envelope, which they consider proprietary information, "not for public release."
 - b. Should the school district receive a request to release this marked information the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
 - c. In 10 working days the party requesting the information shall be provided a copy of the court order or instructions on when the information may be reviewed.
3. After acceptance, procurement information is available to the general public except as noted above.

(cf. [3320](#) - Purchasing Procedures)

(cf. [3323](#) - Soliciting Prices, Bids)

(cf. [3326](#) - Ordering Goods and Services, Paying for Goods and Services)

(cf. [3542](#) - School Lunch Service)

(cf. [3542.31](#) - Participation in the Nutritional School Lunch Program)

(cf. [3542.33](#) - Food Sales Other Than National School Lunch Program)

(cf. [3542.34](#) - Nutrition Program)

(cf. [4118.13/4218.13](#) - Conflict of Interest)

(cf. [6142.101](#) - Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

[10-215](#) Lunches, breakfasts and other feeding programs for public school children and employees.

[10-215a](#) Nonpublic school and nonprofit agency participation in feeding programs.

[10-215b](#) Duties of State Board of Education re feeding programs.

[10-216](#) Payment of expenses.

State Board of Education Regulations

[10-215b-1](#) School lunch and nutrition programs.

[10-215b-11](#) Requirement for meals.

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

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

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

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

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

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

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

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

Nondiscrimination on the Basis of Handicap in Programs or Activities

Title 7 Chapter 11 of the Code of Federal Regulation Federal Management Circular A- 102, Attachment 0 FNS Instruction 796-1 Revision 2.

2 CFR 200.318 General Procurement Standards

Instruction

Ceremonies and Observances

Separation of Church and State

In accordance with the mandate of the Constitution of the United States prohibiting the establishment of religion it is the policy of this Board that the public schools will, at all times and in all ways, be neutral in matters of religion.

This requirement of neutrality need not preclude nor hinder the public schools in fulfilling their responsibility to educate students to be tolerant and respectful of religious diversity. The district also recognizes that one of its educational responsibilities is to advance the students' knowledge and appreciation of the role that religion has played in the social, cultural, and historical development of civilization.

Therefore, the district will approach religion from an objective, curriculum-related perspective, encouraging all students and staff members to be aware of the diversity of beliefs and respectful of each other's religious and/or non-religious views. In that spirit of respect, students and staff members should be excused from participating in activities that are contrary to religious beliefs unless there are clear issues of compelling public interest that would prevent it.

As required by the No Child Left Behind Act, the Superintendent will, by October 1 of each year, certify in writing to the state that students of the District are not prevented by policy or rule from participating in constitutionally protected prayer. The Superintendent will ensure that the staff, parents/guardians and students are made aware of the parameters of acceptable religious speech and actions. The Superintendent will also distribute guidelines to each school concerning religion in the schools, after such guidelines/regulations have been approved by the Board attorney and reviewed by the Board.

Holiday Celebration and Observances

The building Principal is responsible for monitoring compliance with this policy. Pertinent information will be included in the student, parent, and staff handbooks.

Absence for Religious Observation

Student absences for religious observances shall be excused. Furthermore, such absences should not prohibit receipt of attendance related awards nor impact student grades or participation in school events.

Recognition of Religious Holidays

The objective study of religious holidays provides a natural opportunity to promote an appreciation for and respect of diversity. Learning opportunities should extend beyond Judeo-Christian beliefs; reflecting the diversity of global cultures.

1. Recognition of religious holidays will not dominate the educational program and must support curricular objectives.
2. All religions must be afforded equal dignity, but none advanced nor disparaged.
3. Decorations which are part of custom, that have no direct religious meaning (Christmas tree, Menorah) may be displayed. Tree decoration should not promote religion nor require student participation.
4. Programs should focus on seasonal rather than religious themes' inclusive of concerts, enrichment programs and Parent-Teacher Organization sales.
5. Performances which recognize holidays must be of an artistic nature, not religious. Religious music must not dominate any school program. Program selections should not, by their nature, exclude students from participation.
6. The Cafeteria staff will consider religious dietary restrictions when planning menus (non-meat meals, limiting pork to one menu choice).
7. Parents may exclude their children from programs involving the recognition of religious holidays or if celebration is in conflict with family beliefs. A written request for exclusion should be sent to the Principal.

Silent Meditation

The Board directs that the administration shall provide for students and teachers the opportunity to observe an appropriate period of time for silent meditation at the beginning of each school day.

Pledge of Allegiance

Students will be offered the opportunity to recite the Pledge of Allegiance to the United States Flag at least once during each school day. Participation in reciting the Pledge of Allegiance will be voluntary. Students may refuse to participate in reciting the Pledge of Allegiance for any reason, including religious, political, philosophical or personal reasons. If a student chooses not to participate, he/she may stand or sit in silence.

Legal Reference: Connecticut General Statutes

[10-16a](#) Silent meditation.

[10-230](#) Flags in schoolrooms and schools. Policy on the reciting of the "Pledge of Allegiance."

No Child Left Behind Act of 2001

Policy adopted:

Business and Non Instructional Operations

Facilities Use

Introduction

The Board of Education recognizes that the school, building and grounds, is a community center and a valuable public resource. The Board is committed to making these facilities available to the community as much as possible under proper and appropriate conditions when such use does not conflict with school activities and functions. The Board of Education shall grant the use of school facilities for activities of an educational, cultural, civic, and other non-commercial uses consistent with the public interest when such does not interfere with the school program or school-sponsored activities.

Consistent with guidelines in this policy, the Superintendent of Schools shall develop and promulgate regulations and associated forms governing use of school buildings by community and other groups. The "Property Request" Form for school facilities shall be submitted by outside groups to building Principals for approval.

If a community group is denied use of Board of Education facilities by a Principal, the group may appeal that decision to the Superintendent of Schools and if necessary appeal the Superintendent's decision to the Board of Education.

Groups requesting use of facilities must identify specific facilities desired, and approval will be for those specific facilities or spaces only.

All school equipment in the premises shall be in the charge and control of the building Principal or his/her designee, and arrangements for on site equipment use shall be made directly with the Principal or his/her designee by organizations using school facilities.

Principals will submit copies of each building use approval to the Superintendent of Schools and a written preliminary schedule of school sponsored activities to the Superintendent by October 1st of each school year.

Eligible Organizations and Priority of Use

1. Educational programs.
2. Student activities.
3. Administrative, faculty, or staff activities (includes PTO/PTA).
4. Town department or agency activities (Recreation and Parks top priority).
5. Activities sponsored by and for organizations promoting the physical or political or cultural well being of the citizens of the town.
6. Private organizations, private businesses or enterprises located in or taxpayers to the town.
7. Out of town organizations.

Restrictions on Use of School Facilities

1. Illegal activities will not be tolerated and any violations may justify permanent restriction of the organization involved.
2. Use or possession of alcoholic beverages or unauthorized controlled substances shall not be permitted on school property. There shall be no smoking in school buildings.
3. Vendors shall be prohibited in school buildings or on school grounds.
4. Refreshments can be served or consumed only in areas designated by the Principal.
5. Inappropriate advertising and/or decorations shall not be allowed.
6. Activities which engender racial or religious prejudices or which are inimical to democracy are prohibited.

Fees

Use of facilities to all community based groups shall be without fee charge. This does not, however, automatically relieve the user from any associated of proper use of those facilities, i.e., police for security, kitchen staff for cooking, lifeguards for swimming, custodians, etc. Such costs shall be the responsibility of the user and shall be the current contractual or prevailing rate, whichever is applicable in accordance with **Fee Specifics** below.

School facilities may be used by businesses or private groups and organizations in accordance with a fee schedule established by the Superintendent of Schools and approved by the Board of Education.

Charges or fees may be waived by the Superintendent or his/her designee if the use is deemed to be in the best interests of the school system and/or the town.

Fee Specifics

1. Educational program: no rental fee or associated costs.
2. Student activities: no rental fee or associated costs.
3. Administrative, faculty or staff activities (includes PTO): no rental fee or associated costs.
4. Town department or agency activities: no rental fee or associated costs.
5. Activities sponsored by and for town organizations promoting the physical or political or cultural well being of the citizens of the town: no rental fee/pay associated costs.
6. Private organizations, private businesses or organizations: rental fee and associated costs in accordance with schedule established by the Superintendent of Schools.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Club of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school property upon payment of suitable fees and costs according to the Board approved fee schedule.

Legal Reference: Connecticut General Statutes

[10-239](#) Use of school facilities for other purposes.

Equal Access Act, 20 U.S.C. ss 4071-4074

Good News Club v. Milford Central School, Sup. CT. 6-11-01

Section 8525, ESEA as amended by the Every Student Succeeds Act

Policy adopted:

WPS Existing

Business/Non-Instructional Operations/Community Relations

Use of School Facilities

A. Authorized Users/Order Of Priority

1. The Westport public school program has 1st priority in the use of all school facilities.
2. The Westport Continuing Education (WCE) program (including Adult Education and Summer School) has next priority after the regular program.
3. The Westport Department of Parks & Recreation (DPR) has 3rd priority for use of facilities.
4. Activities of school-related organizations, e.g., PTA, booster clubs and parent support groups shall have 4th priority for use of school facilities.
5. When not being used by the above groups, school facilities may be made available to other users, limited to agencies of the Town of Westport, and Westport-based, private non-profit groups, at least 50% of whose membership and/or participants must be Westport residents, for uses not directly competitive with school-sponsored activities, e.g., adult education, summer school, etc.
6. Use by the media or individual photographers, filmmakers, etc., wishing to photograph, televise or film school facilities or activities, is governed by the media access policy.

B. Requirements and Application Procedures

1. Written permission from the Superintendent or designee is required for all outsiders' use of buildings and equipment, use of grounds for any purpose involving 25 or more people (including participants and spectators), or use of parking lots on a weekend or after school hours by Westport residents for guest parking for a wedding or other private (non-commercial) event. Non compliance with this stipulation will constitute trespassing.
2. Applicants shall file a complete application with the facilities manager in the maintenance office.
3. All users not covered by the Westport Town/Board of Education insurance policy must provide a liability insurance certificate of no less than \$5 million, naming the Westport Board of Education/Town of Westport as additional named insureds. Insurance limits will be reviewed and updated periodically by the Assistant Superintendent for Business.
4. Police and/or fire department protection may be required at the users' expense. This condition is to be determined by the supervisor of buildings, in consultation with the relevant departments.

C. Usage Types:

Standard Use is defined as routine meetings, programs, classes, etc.

Major Use which requires a surcharge, is defined as having one or more of the following characteristics:

Creates significant wear and tear.

- Funds are raised through admission charges (including “voluntary” contributions), sale of merchandise, raffles, door prizes, etc.
- Event uses vendors' or exhibitors' booths.
- Event uses the Staples field house.
- Event at any school requires two major facilities: (gym, cafeteria, auditorium). Ten or more classrooms = major facility.
- Event involves more than 500 participants or attendees.

D. Classification Of Groups For Payment Of Fees And Rent

(Identified groups are examples; groups not listed will be classified by Superintendent or designee).

*Category I Users No Rent For Standard Use

Category I includes:

- a) **School-Related:** e.g., student organizations, PTAs, parent support groups affiliated with school teams, clubs, etc., recognized parent advocate groups such as CLASP, etc.

b) Town Groups: Town boards, commissions, and committees; DPR, Senior Center, Health District, Library, Transit District, Levitt Pavilion, First Night, etc.

c) Youth-Serving: Westport-based non-profit youth-serving groups, such as: Boy & Girl Scouts, Little League, PAL, Babe Ruth League, Westport Soccer Association.

d) Grandfathered Groups: Power Squadron, Red Cross, Westport Arts Center.

e) Others: Superintendent or designee may waive or reduce fees for state/national professional or educational organizations; or for other groups serving the public interest; or for elected officials holding public meetings.

***Category II Users Basic Rent: Westport-Based Community Groups**

Category II includes:

(a) Westport agencies supported by the United Way, and non-profit service organizations that serve Westport, e.g., Rotary, Kiwanis, Masons, Westport Woman's Club, Westport Young Woman's League, Veterans' groups, Nursing and Home Care, etc.

(b) Westport political, religious and ecumenical groups. (Depending on the nature of the activity, e.g., summer camps or on-going programs for which fees are charged, these groups may be classified as Category III for rental fee purposes.)

(c) Westport YMCA: for use of pool only, with special financial arrangements.

***Category III Users Basic Rent Doubled: Westport-Based Private, Non-profit, Educational, Recreational, Cultural, Social or Athletic Groups**

Category III includes: private schools, private nursery schools, dance academies, drama groups, music groups, children's activity programs, etc., at least 50% of whose members or participants are Westport residents.

***Category I, II And III Users: Additional Charges For Major Use**

When a Category II or III group makes major use of facilities for fund-raising programs involving commercial, entrepreneurial, profit-making organizations or activities, Superintendent or designee may require a contribution to the school's student activity fund, amount to be determined by Superintendent, but no less than \$1000.)

Other Users: Under unusual circumstances, the Superintendent may permit one-time or occasional use of facilities to educational, civic, cultural, etc., organizations from neighboring towns, etc.; the Superintendent shall judge requests individually and determine rental category.

All Categories: Must pay custodial, kitchen workers' and other applicable fees, including fees for covering the gym and field house floors if necessary. All groups pay surcharge for major use. Superintendent may reduce surcharge by 50% for Categories I and II if event is a fund raiser benefiting the Westport schools or the public, or when the event itself is a public service. Rental fees, administrative fee and surcharge required in advance. Personnel charges are billed.

Special Conditions: Regardless of user's category, the Superintendent (or designee) may impose special conditions or may deny permission when it is judged that the requested use may produce undue wear and tear on facilities, would cause disruption to the regular school program, be detrimental to the public image of the school system, impact negatively on the scheduled maintenance or cleaning of the schools or otherwise not be in the interest of the school system or the Town.

E. Restrictions On Use Of School Facilities

1. Illegal activities will not be tolerated.
2. School facilities may not be rented by individuals, businesses or trade organizations or used for private purposes.
3. No school facility may be used by individual entrepreneurs, either Westport Board of Education employees or others, to give private instruction for a fee to individuals or groups.
4. School facilities may not be used for the promotion of any commercial interest or private or corporate gain except in conjunction with a fund-raising activity by a permitted, non-profit user. In such cases, regardless of category, users may be required to make a donation to the student activity fund of the school of a minimum of \$1,000 in addition to paying custodial costs and applicable rental fees. The decision about whether to require a donation, and the amount of the donation, will be made by the Superintendent or designee, in consultation with the sponsor of the program.
5. Use or possession of tobacco, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
6. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products or alcoholic beverages shall not be permitted.
7. Obscene advertising, decorations or materials shall not be permitted on school property.
8. Users must comply with all administrative regulations governing use of school facilities. Non-compliance may result in revocation of privileges.

All exceptions to this policy require approval of the Superintendent, whose decision on all aspects is final.

Legal Reference: Connecticut General Statutes

10-239 Use of School Facilities for Other Purposes

Policy adopted: July 29, 2004

3515

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Business/Non-Instructional Operations/Community Relations

Use of School Facilities

Procedures

Regulations Governing Use Of School Facilities

1. **Adequate adult supervision** is required for entire length of activity. One designated adult must be in charge of overall program and there must be an over 18 adult supervisor for every 20 students and/or an over 18 adult supervisor present in each classroom used for the full time. Students may not be allowed to walk, run or wander through the halls unsupervised.
2. **No alcoholic beverages** or controlled substances allowed for any reason, including religious observances.
3. **No smoking** or carrying lighted pipes, cigarettes or cigars permitted in school buildings or on school grounds at any time.
4. **No guns or weapons** of any kind may be brought onto school grounds except as specified in Board policy.
5. **Signs** on school property must be approved in advance by the Principal or designee, as to size, content, placement and duration of display. Signs will not be approved if they are judged inappropriate on school grounds. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products or alcoholic beverages, and/or obscene advertising, decorations or materials shall not be permitted on school property.
6. **Structures** on school property: Erection of tents or any other structures on school property requires the approval of the Principal, in consultation with the Director of Facilities, and the Superintendent or designee. The user must obtain and pay for any zoning permit that may be required.
7. **No dogs or other pets** are permitted in school buildings or on school grounds. Exceptions: seeing-eye dogs, animals used for Westport public school-sponsored programs, or adult education animal training programs. Adult ed training programs will use the outdoor parking lot, weather permitting, or an indoor room with direct access to the outdoors. Dogs may not be brought through school corridors or into other rooms. Anyone bringing an animal onto school property must have the animal on a leash at all times and must clean up after animals. Adult ed teacher in charge of training program is responsible for leaving the area (indoors or outdoors) in a clean and sanitary condition.
8. **No flammables:** No cooking outside the school kitchen, or use of barbeque grills, etc., or use of lighted candles or any other flammables are permitted in school buildings or on school grounds by users not directly affiliated with the Westport public school program, except with special permission, under controlled conditions.
9. **School Furniture/Equipment**
 - a) No school owned electronic equipment (TVs, VCRs, digital cameras, tape recorders, computers, etc.) may be used by outside users of school facilities.
 - b) Furniture and equipment may not be used or lent to anyone who has not contracted to use school facilities, except to other Town agencies, with the approval of the Superintendent (or designee).
 - c) Kitchen equipment may not be moved.
 - d) All equipment/furniture must be returned to its accustomed place immediately after the activity, in the condition in which it was found. Users pay for repair or replacement due to damage.
 - e) Users wishing to borrow furniture or equipment from one school, to be used in another, must obtain the permission of the Principal of the school making the loan; all items must be returned to their original place in the school before 7 a.m., the next school day. Users must make arrangements to have items carried in and placed where they belong.
 - f) Special fees will apply for use of sound systems, stage lighting and other technical stage equipment. User will be required to employ, from a list designated by the school Principal, the services of a technician trained in the proper use of school equipment. Professional technicians brought in by the user must work under the supervision of one of the school system's designated trained technicians. Users will be required to furnish a security deposit for the use of this equipment. Fee will be returned only after the school's trained technician has verified that all equipment has been accounted for and is in good condition.

10. **School facilities** including floors, carpeting, walls, rest rooms, grounds and fields must be restored to their original condition. Users must pay for special cleanup, repair etc., necessitated by their use.

11. **Gym floors:** For athletic events, only gym shoes or sneakers permitted. For non-athletic events held in a gym or in the Staples Field House, the Director of Facilities (DOF), after consultation with the Principal, may require that the floor be covered, at user's expense. The DOF will arrange for installation and removal of floor covering. The fee must be paid in advance.

12. **No motorized vehicles**, bicycles, roller skates or roller blades permitted in school buildings, in the Field House, or on tracks, fields or lawns, with the exception of King's Highway/Saugatuck track.

13. **Pool:** No boats or other foreign objects are permitted in the Staples pool except under the auspices of the school program.

14. **General Clean-Up:** School facilities should be left neat and clean. Trash should be disposed of in proper receptacles. For major events, the DOF will arrange for additional trash receptacles, trash pickup, or extra cleaning, if necessary, at users' expense.

15. **School Custodians:** Custodians must open and close buildings and be present for the duration of an activity. Workers' fees are to be paid by user for all weekend and holiday work and work beyond normal working hours on school days. To assure that all routine custodial work is done, and that adequate cleanup is provided after major use, the head custodian will determine the number of extra custodians required, and duration of their work. On weekends and holidays, custodians will be engaged for a minimum of three hours. Cancellation requires a minimum of four hours' notice or custodial fees will be charged.

16. **Food Services:** Cafeteria personnel required when kitchen is used. Users must make arrangements directly with the Food Services contractor and pay fees directly.

17. **Police, Fire:** Supervisor of Buildings will arrange for necessary police/fire coverage. Users pay these departmental fees directly.

18. **Health District, P&Z:** Users must obtain necessary approvals, and arrange and pay for applicable inspections and/or other personnel as required.

19. **Fees:** Rental and administrative charges, major-use surcharge, and fees for required services such as piano tuning, excess garbage collection, floor covering, etc., must be paid a minimum of one week in advance. Users will be billed for custodial fees. Bills must be paid within 30 days of receipt. Fees are to be reviewed and updated as appropriate by the Assistant Superintendent for Business.

20. **Private Instruction:** Westport school facilities are not to be used to offer private instruction by Westport town or school system employees, employees of other groups offering sports or educational programs, or other entrepreneurs or individuals.

21. **Scheduling:**

a) Dates for rental of a school facility must be cleared with the school Principal or designee. Major uses by outside users may not be scheduled for the same date for both Staples High School (SHS) and Bedford Middle School (BMS), Management of this schedule will be controlled by the SHS/BMS site manager.

b) Rentals to outside users for future school years may not be confirmed until the school system's calendar is finalized each June.

c) Except for major long-standing outside uses that are scheduled on a yearly basis, if an unanticipated school need arises more than two months prior to a date that has been promised to an outside user the school use will take precedence. An attempt will be made to identify a comparable facility or alternate date for the renter.

22. **Use of School Facilities by DPR: Custodial Fees/Billing Procedures**

The Westport DPR has third priority for use of Westport public school buildings, fields and grounds for athletic programs, after the regular school programs and the Department of Continuing Education. The DPR will oversee the scheduling and supervision of athletic programs operated by other community organizations such as the Police Athletic League, the YMCA and other organizations, as agreed upon by the Assistant Superintendent for Business.

- Custodial overtime necessitated by a DPR or other athletic program will be charged at the contractual rate.
- When custodians are normally present, i.e., Monday to Friday evenings, no additional custodial fees will be charged, but the Board of Education will charge a set-up/take down fee to cover the work the custodians do for the program.
- If cleanup after the program is extensive, necessitating overtime, the DPR or other program will be charged.
- On weekends when Board of Education and DPR programs run simultaneously, if Board of Education programs end earlier, the DPR will pay custodial fees for the remainder of the time the DPR uses the facilities.
- Billing for custodial and other BOE fees associated with DPR use, or use by other athletic organizations scheduled by DPR, shall be sent to the DPR. The DPR shall collect the fees from the organizations and forward them to the Board of Education.
- Procedures for DPR use will be reviewed annually or as appropriate.

EXCEPTIONS TO ANY PROVISION OF THESE REGULATIONS BY ANY USER REQUIRE APPROVAL OF THE SUPERINTENDENT OR DESIGNEE. NON-COMPLIANCE OR NON-PAYMENT OF FEES MAY RESULT IN LOSS OF

PRIVILEGES.

Regulation approved: July 29, 2004