

**ENFIELD BOARD OF EDUCATION
ENFIELD, CONNECTICUT**

Time-Place:

**Council Chambers
8200 Enfield Street
Enfield, CT
7:00 PM Regular Meeting**

Date: 12/11/18

- 1. Call to Order – 7:00 PM**
- 2. Invocation or Moment of Silence – Ashley Depeau**
- 3. Pledge of Allegiance – Ashley Depeau**
- 4. Fire Evacuation Announcement**
- 5. Roll Call**
- 6. Board Guest(s)**
 - a. EHS Fall Athletic Recognition**
 - b. Wreaths Across America Program**
- 7. Superintendent's Report**
 - a. Student Representatives**
 - b. Christmas Break**
 - c. December Events**
- 8. Audiences**
- 9. Board Members' Comments**
- 10. Unfinished Business**
 - a. BOE Policies - Approve 3000 Series – Second Reading**
 - b. BOE New Policy – Approve 5144.1 Use of Physical Force – Physical Restraint/Seclusion – Second Reading**
- 11. New Business**
 - a. BOE Policies – Approve 4000 Series (First Section) – First Reading**
 - b. FY2018-19 School Calendar Revision**
 - c. Action if any, regarding Superintendent Evaluation & Contract**
- 12. Board Committee Reports**

a. Curriculum Committee	e. Joint Facilities Committee
b. Finance, Budget Committee	f. JFK Building Committee
c. Policy Committee	g. Any other Committees
d. Leadership Committee	
- 13. Approval of Minutes:**
 - Regular BOE Meeting Minutes – November 27, 2018**
- 14. Approval of Accounts and Payroll**
 - For the Month of October & November 2018**
 - Line Item Transfers, if any**
- 15. Correspondence and Communications**
- 16. Executive Session**
 - Matter(s) Related to Personnel**
- 17. Adjournment**

*Note: Item 11c. may
be addressed after
Item 16.*



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: Board Guest(s)

- a. **EHS Fall Athletic Recognition:** Tonight, we welcome our Athletic Director Mr. Cory O'Connell. Mr. O'Connell and the Enfield High fall coaches will recognize student athletes and athletic teams for their outstanding Fall 2018 accomplishments. Enclosed in your packet is a memo from Mr. O'Connell.

- a. **Wreaths Across America Program:** We also welcome Mrs. Lori Gates. She is here tonight to discuss the Wreaths Across America Program that will be traveling through Enfield on December 12th by all our schools. She has been supporting our service men and women for years by collecting many different items for them. Whether she is collecting cookies for "Cookies for Camouflage", candy for "Halloween Treats for Heroes" or "Care Packages", she is letting our active military community members know they are supported by their home town while they are serving our country. We are extremely fortunate to have someone like Mrs. Gates in our community.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: Superintendent's Report

- a. **Student Representatives:** Enclosed in your packet, you will find a report with some of the events/happenings at Enfield High School. Each Student Representative may have some additional information or comments to share with the Board.
- b. **Christmas/New Year's Break:** All EPS schools will be closed on December 24th through January 1st for the Christmas/New Year's break. Central Office will be open on December 24th, 27th and 28th. All students and staff will return to school on Wednesday, January 2nd. We wish everyone a Merry Christmas and Happy New Year.
- c. **December Events:** Listed below are some of the events/happening in our schools during December.
- 12-12-18 JFK Gr. 7 Band and Orchestra Concert will be held in the Auditorium at 7:00 PM;
 - 12-13-18 Hazardville Memorial Holiday Concert will be held at the Enfield Annex in the Auditorium at 6:00 PM;
 - 12-13-18 EHS Brass Quintet Performance will be held at the Enfield Public Library at 6:30 PM;
 - 12-13-18 EHS Chorus Concert will be held in the Auditorium at 6:30 PM;
 - 12-15-18 Rachel's Challenge Pancake Breakfast will be held at St. Patrick's Church Hall at 8:00 AM;
 - 12-15-18 EHS Brass Quintet Performance will be held at St. Patrick's Church Hall at 8:30 AM;
 - 12-19-18 JFK Gr. 8 Band and Orchestra Concert will be held in the Auditorium at 7:00 PM.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: BOE Policies – Approve 3000 Series – Second Reading

Board members approved a First Reading of the 3000 Series policies from CABA on November 27th. Policy Committee members are recommending a second and final reading of these policies tonight. The 3000 Series has been placed on the Board's website for public input. Policy Chair Rich Regnier may have some additional comments to share with the Board at this time.

Therefore, the Enfield Board of Education may take any action(s) deemed appropriate regarding approving a Second and Final Reading of the 3000 Series as presented.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: BOE New Policy – Approve 5144.1 Use of Physical Force – Physical Restraint/Seclusion – Second Reading

Board members approved a First Reading of new Board Policy **#5144.1 Use of Physical Force – Physical Restraint/Seclusion** on November 27th. We are required by State Law to include a policy that deals with restraint/seclusion by the end of this year. Policy Committee members are recommending a second and final reading of this new policy. This policy has been placed on the Board's website for public input. Policy Chair Rich Regnier may have some additional comments to share with the Board at this time.

Therefore, the Enfield Board of Education may take any action(s) deemed appropriate regarding approving a Second and Final Reading of Policy #5144.1 Use of Physical Force – Physical Restraint/Seclusion as presented.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: BOE Policies – Approve 4000 Series (First Section) – First Reading

Members from the Board's Policy Committee have completed the first section of the 4000 Series from CABE and are recommending a First Reading of these policies tonight. The first section of the 4000 Series has been placed on the Board's website for public input. Policy Chair Rich Regnier may have some additional comments to share with the Board at this time.

Therefore, the Enfield Board of Education may take any action(s) deemed appropriate regarding approving the first section of the 4000 Series as a First Reading as presented.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: FY2018-19 School Calendar Revision

The Board previously revised the 2018-19 school calendar last year on March 27, 2018 for all Enfield Public School students. Currently, Wednesday, March 27th is an early release professional development day. Unfortunately, after the school calendar was approved, the National College Board released the date for the SAT test for all 11th grade students. This test will be administered nationally on Wednesday, March 27, 2019. This test date is not negotiable. This high-stakes test is a graduation requirement and all 11th grade students are required take the SAT exam during the school day on March 27th. It is simply not feasible to appropriately conduct the SAT test on an early release day.

Therefore, we are going to move the early release day from Wednesday, March 27th to the following day, Thursday, March 28th. Although March 27th will look different for the high school, all other schools will follow a regular day on March 27th.

Enclosed in your packet is the 2018-19 School Calendar with the proposed recommended date change. All schools will now follow an early release schedule on Thursday, March 28th. We wanted to give everyone ample time to plan accordingly as we know this can cause changes to your schedule. We will send out a reminder as we get closer to these dates.

Therefore, the Enfield Board of Education may take any action(s) deemed appropriate regarding approving the Revised 2018-19 School Calendar as presented.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: Action if any, Regarding the Superintendent's Evaluation & Contract

Note: This item may be discussed after the Executive Session

Chairman Kruzel will address this item.

Therefore, the Enfield Board of Education may take any action(s) deemed appropriate regarding the Superintendent's Evaluation & Contract.



Date: December 11, 2018
To: Enfield Board of Education
From: Mr. Christopher J. Drezek
Re: Executive Session

The Board of Education needs to discuss the following item:

- Matter(s) Related to Personnel

Therefore, I recommend that the Enfield Board of Education enter executive session, with the appropriate personnel invited, for the reasons described above. An affirmative vote of two-thirds of the members present and voting is required. Board members can remain in Council Chambers for the executive session.

ENFIELD HIGH SCHOOL ATHLETIC DEPARTMENT

1264 Enfield Street Enfield, CT 06082 860-253-6524 F: 860-253-5555

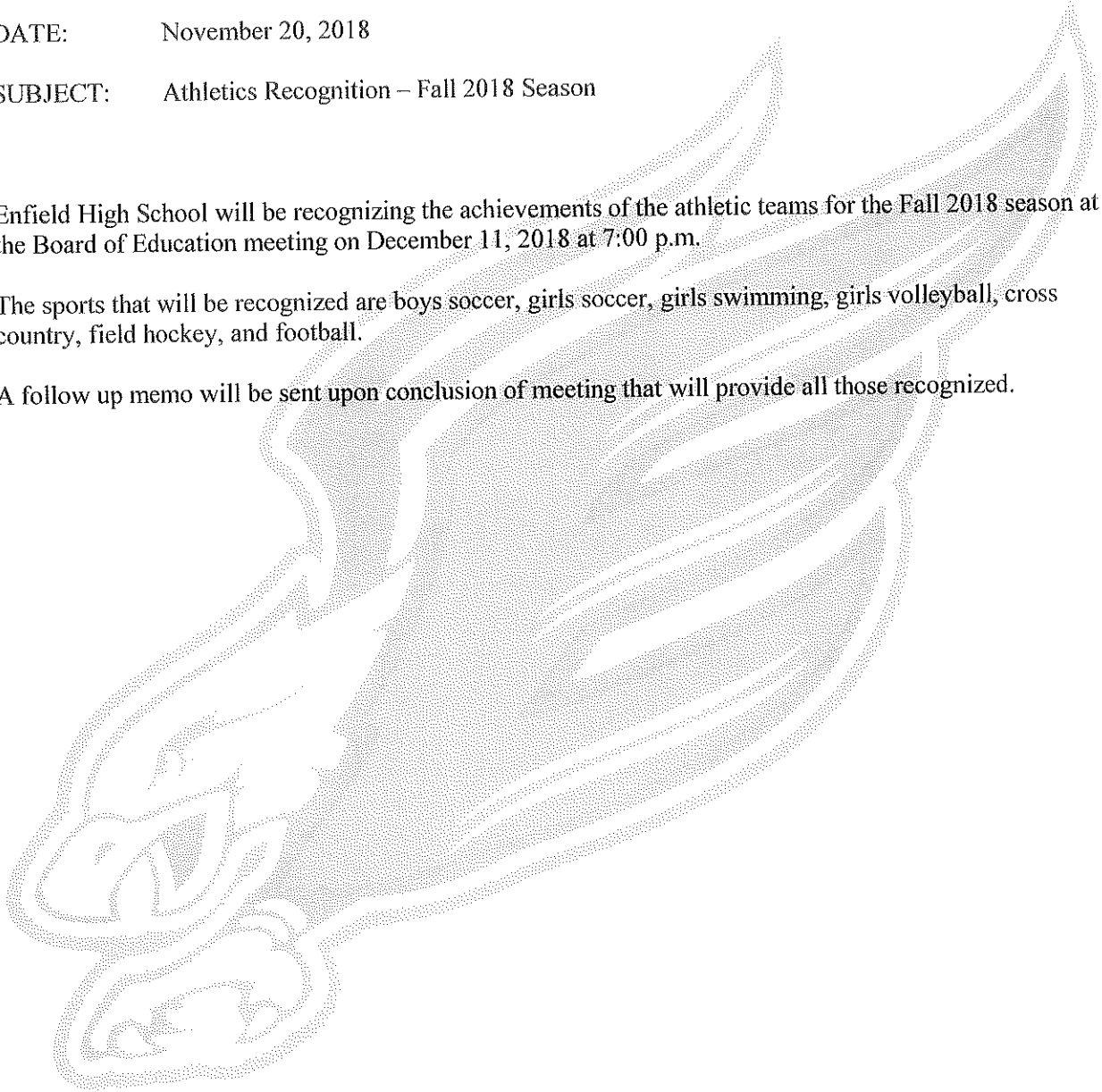
Mr. Cory O'Connell – Director of Athletics
coconnell@enfieldschools.org

TO: Chris Drezek, Superintendent
FROM: Cory O'Connell, Director of Athletics
DATE: November 20, 2018
SUBJECT: Athletics Recognition – Fall 2018 Season

Enfield High School will be recognizing the achievements of the athletic teams for the Fall 2018 season at the Board of Education meeting on December 11, 2018 at 7:00 p.m.

The sports that will be recognized are boys soccer, girls soccer, girls swimming, girls volleyball, cross country, field hockey, and football.

A follow up memo will be sent upon conclusion of meeting that will provide all those recognized.



PRESS RELEASE

WREATHS ACROSS AMERICA DELIVERY CONVOY RETURNS TO ENFIELD CT

WEDNESDAY 12 DECEMBER 2018

We are honored to once again host a portion of the Wreaths Across America delivery convoy as they make their way from Maine to the hallowed grounds of Arlington National Cemetery ahead of National Wreaths Across America Day (link to info below).

The convoy will be met by First Responders and Supporters as they wind their way through Enfield, passing each school to allow everyone viewing access, followed by a stop at Parkman Elementary School for a closed ceremony. Please note that while the route will not change; the times are approximate, so please be patient as this is a huge undertaking for those involved. In the event of hazardous weather the event will be cancelled completely.

Here is the route and your viewing opportunities:

0900: Leave East Windsor Walmart and head north on Route 5/Enfield Street
passing CREC @ 09:05

Enfield Street School and Enfield Montessori at 09:12
Enfield High School at 09:14

Right onto Brainard Road
Passing Crandall and St. Martha's at 09:27

Right onto George Washington Road

Right onto Route 220/Shaker Road
Passing Barnard at 09:32

Left onto Elm Street
Straight on to Moody Road
Right onto Route 192/North Maple Street
Passing Hazardville Memorial at 09:40

Right onto Route 190/Hazard Avenue
Left onto South Road
Passing Whitney at 09:47

Left onto Raffia Road
Passing JFK at 09:54

Right onto Weymouth Road
Arrival at Parkman at 10:00

*when the program at Parkman is over, trucks will head up Weymouth Road to Route 5 to pick up 915 and head to their next stop in Pennsylvania

Please join us at St. Patrick's King Street Cemetery in Enfield on Saturday 15 December at noon as we host a simultaneous ceremony with Arlington to honor our local heroes; wreaths may be sponsored for grave distribution by visiting:

www.WreathsAcrossAmerica.org (Enfield's cemetery code is CTSPCE)



EHS Student Representative Report – December 11, 2018

- EHS Financial Aid Night will be held on December 11th at 6:00 PM in the Library;
- EHS Senior Class Fundraiser event will be held at Panera Bread on December 12th from 4-8 PM;
- EHS Chorus Concert will be held on December 13th at 6:30 PM in the Auditorium;
- EHS Brass Quintet Performance will be held on December 13th at 6:00 PM at the Enfield Public Library;
- Rachel's Challenge Pancake Breakfast will be held on December 15th at 8:00 AM in St. Patrick's Church Hall;
- EHS Brass Quintet Performance will be held on December 15th at 8:30 AM in St. Patrick's Church Hall

A new policy to consider.

Business/Non-Instructional Operations

Concept and Roles in Business and Non-Instructional Operations

The Board of Education recognizes that finances and financial management are critical to the support of the whole school program. To make that support as effective as possible, the Board of Education shall:

1. Encourage advance planning through the best possible budget procedures.
2. Explore all practical sources of financial support.
3. Guide the expenditure of funds so as to extract the greatest educational returns.
4. Establish top-quality accounting and reporting procedures.
5. Maintain the level of unit expenditure needed to provide high quality education within the ability of the community to pay.

Non-Instructional Operations

The operation and maintenance of school plant and equipment shall set high standards of safety, to promote the health of students and staff, to reflect prudent management of available resources and to support environmentally the efforts of the staff to provide a good education.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Goals and Objectives

The Board of Education recognizes excellent fiscal planning as a key factor in attaining the district's educational goals and priorities. The Board shall:

1. engage in thorough advance planning of budgets;
2. explore all appropriate sources of revenue;
3. manage expenditures so as to achieve the greatest educational returns given the district's available resources; and
4. expect the highest standards in accounting and reporting procedures.

Budget planning is a cooperative process and should involve administrative staff, professional staff, employee associations, community organizations and the Board.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Internal Controls

The Board of Education (Board) expects all Board members, employees, volunteers, consultants, vendors, contractors, students and other parties maintaining any relationship with the school district to act with integrity, due diligence, and in accordance with all laws in their duties involving the school district's resources. The Board is entrusted with public dollars and no one connected with the school district should do anything to erode that trust.

Internal control is the responsibility of all employees of the school district. The Superintendent and Business Manager shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the school district subject to review and approval by the Board. Administrators shall be alert for any indication of fraud, financial impropriety, or irregularity within the administrator's area of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor, [and, or] the Superintendent. The Superintendent shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the Board's legal counsel, auditing firm, and other internal or external departments and agencies, including law enforcement officials, as the Superintendent may deem appropriate.

Employees bringing forth a legitimate concern about a potential impropriety will not be retaliated against and those who do retaliate against such an employee will be subject to disciplinary action up to, and including, discharge.

In the event the concern or complaint involves the Superintendent, the concern shall be brought to the attention of the Board Chairperson who shall be empowered to contact the Board's legal counsel, insurance agent, auditing firm, and any other agency to investigate the concern or complaint.

Upon approval of the Board, the Superintendent, may employ the school district's auditing firm to conduct a complete or partial forensic/internal control audit annually or otherwise as often as deemed necessary. The Superintendent is authorized to order a complete forensic audit if, in the superintendent's judgment, such an audit would be useful and beneficial to the school district. The Superintendent shall ensure the Commissioner of Education is notified of any suspected embezzlement or theft pursuant to Connecticut law. In the event there is an investigation, records will be maintained for use in the investigation. Individuals found to have altered or destroyed records will be subject to disciplinary action, up to, and including termination.

Legal Reference: American Competitiveness and Corporate Accountability Act of 2002, Pub. L. No. 107-204

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Budget: Planning

As a preliminary part of the development of the budget, the Board of Education shall study the school program in relation to the present and future needs of the students and the community. In an effort to make the budget a comprehensive reflection of the financial needs of the school system, steps shall be taken to involve representatives of the community, students, certified and non-certified staff, and the administrative staff in the budget process. The procedure for the involvement of these representatives shall be developed by the Superintendent of Schools and implemented by the Superintendent's office upon the formal approval of the Board of Education.

Legal Reference: Connecticut General Statutes

10-51 Fiscal Year. Budget. Payments by member towns. (regional school districts).

10-222 Appropriations and budget.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Setting Budget Priorities

Before adopting the budget, the Board of Education shall study the school program in relation to the present and future needs of the students and the community and establish budget priorities for the fiscal year. To make the budget a comprehensive reflection of the financial needs of the school program, steps shall be taken to involve the certified, non-certified, and administrative staff in its development.

Legal Reference: Connecticut General Statute
 10-222 Appropriations and budget.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Preparation of Budget Document

The Board of Education asks the Superintendent to direct the preparation of the budget and submit it to the Board for its tentative approval and for a later public hearing.

The Superintendent is asked to confer with the school staff on budgetary needs, as well as consider priorities that have been determined by the Board.

Legal Reference: Connecticut General Statutes

10-51 Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve fund.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Adoption of Budget

The Board of Education will present an itemized estimated cost for the operation of the public schools to the fiscal authority not later than two months preceding the annual meeting at which appropriations are to be made. The estimated cost of operating the public schools for the ensuing year shall be the final budget for the schools, modified, if necessary, by any difference in the amount requested by the Board of Education and the amount appropriated by the city or town for the operation of the schools.

Legal Reference: Connecticut General Statutes

 10-51 Regional schools; budget.

 10-222 Appropriations and budget.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

The Board of Education recognizes that C.G.S. 9-369b prohibits the expenditure of municipal funds to influence a vote on a pending referendum question. This includes the dissemination of printed materials and the preparation of video and website presentations. The Superintendent is directed to avoid violating this prohibition which applies to in-kind expenditures as well as direct expenditures of money. Individuals violating this prohibition are personally liable.

The Board recognizes that public funds may be expended concerning a referendum when the following conditions are met:

1. By vote of the legislative body, the town/city may authorize the preparation, printing and dissemination of concise explanatory texts or other printed material concerning referenda proposals. The Town Clerk is responsible for preparing the text which shall specify the intent and purpose of each proposal or question. Such explanatory text shall not advocate either the approval or disapproval of the proposal or question. The town's/city's legislative body may also authorize the preparation and printing of materials concerning any referendum proposal or question in addition to the explanatory text. Such materials are also subject to the approval of the town/city counsel and must be neutral, advocating neither approval nor disapproval of the proposal or referendum question.

<p>Note: <i>In a municipality that has a town meeting as its legislative body, the board of selectmen shall, be deemed to be the legislative body of such municipality.</i></p>

Any such other printed material shall be prepared by the person or persons so authorized by the Regional Board of Education. Such material shall not advocate either the approval or disapproval of the referendum proposal or question and is also subject to the approval of the attorney of the Regional Board of Education.

2. A public official may expend public funds to prepare a written, printed or typed summary of his/her view on a referendum issue and distribute that summary to the news media at a bona fide press conference. Such summary may express support or opposition to the referendum question. The summary may be provided upon request to members of the public. Public funds may not be used to provide for a general distribution of the summary.
3. The Superintendent or Board members may respond to a constituent request for information concerning the referendum, including personal views.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

4. The town/city via public ordinance may provide for the preparation and printing of concise summaries of arguments in favor of, and arguments opposed to, local proposals or questions approved for submission to the electors of the town/city at a referendum. The ordinance must provide for a committee to prepare such summaries, with members representing the various viewpoints. The committee shall provide an opportunity for public comment on such summaries to the extent practicable. Such summaries must be approved by vote of the town's/city's legislative body or any other municipal body designated by the ordinance, and posted and distributed by the Town Clerk. Each summary shall contain language clearly stating that the printing of the summary does not constitute an endorsement by or represent the official position of the municipality.
5. The school District will not use its automated calling system, electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging parents/guardians and students about the time, date and place concerning referenda and encouraging them to vote. This prohibition shall not apply to a regularly published newsletter or similar publication.
6. The community notification system, maintained by the town/city/municipality, at the direction of the chief elected official of such town/city/municipality, or with respect to a referendum called by a regional school district, the request of the chairperson of the regional board of education having jurisdiction over such city/town/municipality involved in the regional school district, may be used to send or publish a notice informing all residents enrolled in the notification system of the time and location of the referenda, a statement of the question as it appears on the ballot or referendum and any other approved material. Such notice shall not advocate approval or disapproval of the proposal or attempt to influence the outcome of the referendum.
7. The website maintained by the town/city or the School District is not a community notification system. Such website may contain notice pertaining to the referendum as described above in item #6.
8. Third party comments posted on social media or on websites maintained by the state, town/city or the School District do not constitute an expenditure of state or municipal funds to influence the outcome of a referendum.

Note: Only a community notification system may be used for the limited purpose of reminding voters of the time and location of upcoming referenda, the ballot question itself, and any other previously authorized explanatory text describing the subject matter of the question. Any such notice shall not advocate the approval or disapproval of the proposal or question or attempt to influence or aid the success or defeat of the referendum.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

Note: "Community notification systems" are defined as systems maintained by a municipality that are available to all residents of the municipality and permit any resident to opt to receive notifications of community events or news. Only the chief elected official of the municipality can authorize the use of such a system for this purpose. With respect to a referendum called by a regional school district, the chairperson of the regional school board may request the chief elected official of the municipality in which the regional school district resides to use such system.

The Board recognizes that school officials and Board members retain their First Amendment rights to express their position on the proposed school budget or other referendum questions. The prohibition contained in this policy only pertains to the expenditure of public funds.

It is further recognized that individuals, individually or collectively, can spend private funds to advocate for a referendum result, as they see fit, as permitted by the regulations of the State Elections Enforcement Commission.

The Board further recognizes the statutory right of any community member to bring a complaint if such individual claims to have been aggrieved in connection with a referendum by (1) an election official's ruling, (2) a mistake in the vote count, or (3) a violation of prohibited acts concerning absentee voting. A person may file a complaint with any judge of the Superior Court.

Legal Reference: Connecticut General Statutes
 9-355 Official neglect or fraud
 9-357 Fraudulent registration
 9-358 False swearing before registrar, moderator or board
 9-359 Absentee ballots
 9-359a False statement in absentee balloting. Class D felony
 9-360 Fraudulent voting
 9-361 Primary or enrollment violations
 9-369 Procedure for holding referendum
 9-369a Submission of local questions at election
 9-369b Local questions and proposals. Explanatory text. Use of
 community notification systems. Expenditures of state and municipal
 funds to influence vote prohibited. Preparation and printing of certain
 materials permitted. Civil penalty. Summaries of arguments for, against
 local questions (as amended by PA 00-92, PA 04-117, PA 13-247 and PA
 15-173)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new regulation.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

1. Spending Public Funds to Inform Citizens Regarding Referenda

Section 9-369b(a), Connecticut General Statutes is the exclusive method by which a municipality or regional school district could expend public funds for printing and distribution of information concerning a referendum question. It sets forth the following conditions for such expenditure:

- a. A vote of the municipality's legislative body is needed to authorize the preparation, printing and dissemination of concise "explanatory text" or other printed material with respect to a referendum;
- b. The preparation of the explanatory text must be made by the municipal clerk and approved by the municipal attorney;
- c. The explanatory text shall specify the intent and purpose of each referendum or question; and
- d. Such explanatory text shall not advocate either the approval or the disapproval of the referendum proposal or question.

Materials in addition to the explanatory text may now be prepared and printed with public funds if they (1) do not advocate either the approval or disapproval of the referendum; (2) are authorized by vote of the local legislative body; and (3) are approved by the municipal attorney. The notices may also include other neutral printed material approved for submission to electors on a municipal or regional school district referendum.

In a municipality like Enfield, that has a town meeting as its legislative body, the Town Council shall be deemed to be the legislative body of such municipality.

Pursuant to C.G.S. 9-369b(b), for any referendum called for by a school district, the Board of Education shall authorize the preparation and printing of concise explanatory texts of proposals or questions approved for submission to the electors of a municipality at a referendum. The Secretary of the School Board shall prepare such explanatory text which is subject to the approval of the school Board's counsel. The Board's Secretary shall also undertake any other duty of a municipal clerk as described in this statute.

District school boards are authorized (P.A. 15-173) to print and disseminate neutral printed material, in addition to explanatory texts, about school district referenda. Such material must be approved by the board's attorney. The material must be prepared by a person authorized by the school board or municipal legislative body, whichever applies.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

2. Expenditure of Public Funds for Advocacy Prohibited When a Referendum is Pending

With two exceptions discussed below, no expenditure of state, municipal or regional school district funds can be made to influence any person to vote for approval or disapproval of any referendum question. The ban applies when a referendum is pending.

A referendum question is pending when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum. For example, a referendum is pending when a sufficient number of signatures have been certified by the Town Clerk under C.G.S. 7-7 or when the Town Council, or other authorized government official, have determined that a referendum will be conducted.

3. Pro-Con Summaries

By ordinance, a municipality may provide for the preparation and printing of concise summaries of arguments in favor of and opposed to a referendum question for which an explanatory text is prepared under Section 9-369b(a) or (b). The ordinance must provide for a committee to prepare these summaries. Other conditions for this exception are specified in Section 9-369b(d).

4. Press Releases and Constituent Responses Permitted

The other exception is that an official can express his/her views on pending referendum at a bona fide news conference, and may use public funds, facilities, and supplies to prepare a press release to be disseminated at the conference. Also, an official may use public funds, facilities and supplies to respond to a constituent request for information concerning the referendum, including the official's views. The exception is lost however, if the official responds to the citizen's request with the knowledge that the response will be disseminated to others in the community.

In addition, the maintenance of a third-party comment posted on social media or on an Internet website maintained by the state, a municipality or a regional school district permitting such third-party comments shall not constitute an expenditure of state or municipal funds.

5. Children in School as Couriers

Children in school may not be used as couriers of information that advocates a position on a referendum. A notice limited to the time, place and question to be voted upon may be sent home to parents via children in school.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

6. Use of School Teachers, Administrators, Facilities, Supplies, and Equipment Prohibited

The prohibition on state and municipal funds also applies to the use of school facilities, supplies, and equipment and postal permits to advocate a position on a referendum. For example, parent teacher organizations and school administrators may not use school equipment to prepare or copy advocacy material even if the town, regional district or school system is reimbursed for such use. This prohibition also extends to the use of a school's public address system to advocate a result of a referendum.

7. Use of School Facilities by Outside Political Committees and Organizations for Meetings or Rallies

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non-discriminatory basis. A charge can be made for the use of school facilities for this purpose and all groups or committees must be charged the same.

8. What Constitutes Advocacy?

A communication advocates a position on a referendum when in part, or taken as a whole, it urges the listener or reader to vote in a particular manner. The style, tenor, and timing of a communication are factors which are considered by the Commission when reviewing alleged improprieties of Section 9-369b.

9. Civil Penalties for Violations

The State Elections Enforcement Commission may impose a civil penalty against any official who violates Section 9-369b, in an amount not exceeding twice the amount of the improper expenditure or \$1,000, whichever is greater. The official is personally liable for the penalty and cannot be reimbursed or indemnified by the state, regional school district or municipality for payment of a civil penalty.

10. Political Committees to Promote Referenda

Under Chapter 150 of the General Statutes, public officials and citizens alike may join together to advocate their views on a referendum by registering a political committee with the clerk of the municipality in which the referendum is to be held. Upon its registration, the political committee is permitted to solicit, receive and expend private funds to promote the success or defeat to a referendum question. If less than \$1,000 is expected to be collected or spent, a group may file a certification of exemption in lieu of a political committee registration form.

Business/Non-Instructional Operations

Spending Public Funds for Advocacy (continued)

11. Independent Personal Expenditures

Any citizen or public official may independently (acting alone) make expenditures of his/her own funds to promote the success or defeat of a referendum question without forming a political committee in conformance with Chapter 155, Connecticut General Statutes. However, once such individual spends more than \$1,000 to promote the success or defeat of a referendum question, he/she must file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under Section 9-608.

12. Use of Automated Calling Systems

The school district is not allowed to use its automated calling system, electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging parents/guardians and students about the time, date and place concerning referenda and encouraging them to vote. This prohibition shall not apply to a regularly published newsletter or similar publication.

The Board of Education of a regional school district, through its chairperson, may request that their member municipalities use their community notification systems to notify enrolled residents of an upcoming regional school district referendum.

Note: *Only a community notification system may be used for the limited purpose of reminding voters of the time and location of upcoming referenda, the ballot question itself, and any other previously authorized explanatory text describing the subject matter of the question. Any such notice shall not advocate the approval or disapproval of the proposal or question or attempt to influence or aid the success or defeat of the referendum.*

An Internet website maintained by a municipality or regional school district shall not be deemed a community notification system and may contain a notice of an upcoming municipal or regional school district referendum.

Note: *"Community notification systems" are defined as communication systems maintained by a municipality that are available to all residents of the municipality and permit any resident to opt to receive notifications of community events or news from such municipality via electronic mail, text, telephone or other electronic automated means. Only the chief elected official of the municipality can authorize the use of such a system for this purpose.*

Business/Non-Instructional Operations

Spending Public Funds for Advocacy

Legal Reference: Connecticut General Statutes

9-333j Statements to be filed by campaign treasurers. Treatment of surplus or deficit. Filing dates.

9-369 Procedure for holding referendum.

9-369a Submission of local questions at election.

9-369b Local questions and proposals. Explanatory text. Use of community notification systems. Expenditures of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Civil penalty. Summaries of arguments for, against local questions (as amended by PA 00-92, PA 04-117, PA 13-247 and PA 15-173)

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3161 adopted 7/27/11, modified.

Business/Non-Instructional Operations

Transfer of Funds

In accordance with Connecticut General Statutes Section 10-222, the Board of Education shall prepare an itemized estimate of its budget each year for submission to the fiscal authority for review and appropriation.

Following the annual appropriation, the Board of Education shall meet and revise such itemized estimates, if necessary, and adopt a final appropriated budget for the year. Line items in the budget may be allocated more specifically by the Superintendent or his/her designee in the development, administration and monitoring of the budget.

In accordance with Connecticut General Statutes Section 10-222, the Board of Education may transfer any unexpended or un-contracted for portion of any appropriation for school purposes to any other item of such itemized estimate. The Superintendent is permitted to authorize the Business Manager to make transfers between line items as necessary if the urgent need to transfer prevents the Board of Education from meeting in a timely fashion to consider the transfer, provided that such transfer approvals by the Superintendent shall not exceed \$100,000. Transfers made in such instances shall be announced at the next regularly scheduled meeting of the Board of Education, and transfers subsequently ratified by the Board at any such meeting shall not be counted in the limitation on the authority of the Superintendent to make transfers.

The Board of Education shall not expend more than the amount of the appropriation and the amount of money received from other sources for school purposes. If any occasion arises whereby additional funds are needed by the Board of Education, the Chairperson of the Board shall notify the Town Council and submit a request for such necessary additional funds. No additional funds shall be expended until such supplemental appropriation is granted and no supplemental expenditures shall be made in excess of those so authorized.

The Board shall provide a written explanation of a transfer made under emergency circumstances to the town's legislative body or, if the legislative body is a town meeting, to the Board of Selectman.

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget (as amended by PA 13-60, An Act Concerning Consolidation of Non-Educational Services)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Supplemental Appropriations

C.G.S. 10-222 provides procedures through which, subsequent to approval of the annual budget, additional appropriations may, if required, be requested by the Board of Education from the Board of Finance. Prior to requesting supplemental funds, the Board shall make every reasonable effort to live within the original appropriation and maintain essential educational programs.

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget (as amended by PA 13-60)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students

The District will ask parents or guardians of each student who requires special education, if their child is eligible for Medicaid.

If any child is eligible for Medicaid, but not a current Medicaid recipient, the district will request that the parent or guardian of that child apply for Medicaid.

If any child is eligible for Medicaid, the district will request that the parent or guardian of that child give written permission to allow the district to request Medicaid reimbursements for eligible health-related special education costs.

The Board will provide written notification to the parent/guardian of the student before accessing the student's or parent's or guardian's public benefits or insurance for the first time and prior to the one-time parental or guardian consent and annually thereafter.

The Board will provide written notification to all parents and guardians of children who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. After such date, the Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.

If permission described above is received, the district will submit claims to the State Department of Administrative Services for reimbursement of any eligible health-related cost.

If permission described above is denied, the district will terminate its efforts to secure Medicaid reimbursements otherwise applicable to the child.

It is understood that in order to be eligible to receive Medicaid reimbursements, the district must, with prior written parental or guardian permission, bill all financially liable third parties for school-based child health services provided to children. This requirement pertains to all special education students, including, but not limited to Medicaid-eligible students.

If parental or guardian permission described above is denied, the district will terminate its efforts to secure third party insurer reimbursements, including Medicaid.

Note: *Districts can bill for health-related services that are outlined in the student's IEP. In general, services for which a school district may bill Medicaid are: audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.*

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students (continued)

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services.)

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007

34 C.F.R. §300.154(d) – Individuals with Disabilities Act (IDEA) Part B, related to parental consent to access public benefits or insurance

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new regulation on this topic.

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students

The Board of Education (Board) will seek Medicaid reimbursement for eligible medically related services provided to Medicaid eligible special education students in accordance with federal and state law. The services for which the Board may bill Medicaid include audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.

The Board will utilize the following procedures:

1. The Board of Education will determine, for each student who requires special education services and for each student who is referred to special education, if that child is eligible for Medicaid.
2. The Board will obtain a one-time written consent form the parent or guardian, after providing the written notification described below, before accessing the student's or the parent's or guardian's public benefits or insurance for the first time. This consent must specify the following:
 - A. The personally identifiable information that may be disclosed (such as records or information about the services that may be provided to a particular student);
 - B. The purpose of the disclosure (such as billing for services);
 - C. The agency to which the disclosure may be made (such as Medicaid); and
 - D. That the parent or guardian understands and agrees that the District may access the student's, or the parent's or guardian's public benefits or insurance to pay for the services.
3. The Board will provide written notification to the student's parents or guardians before accessing the student's or the parent's or guardian's public benefits or insurance for the first time and prior to obtaining the one-time parental or guardian consent and annually thereafter. The written notification must explain all of the protections available to parents and guardians under Part B of the Individuals with Disabilities Act, as described in 34 C.F.R. §300.154(d)(2) (v) to ensure that parents or guardians are fully informed of their rights before the District can access their or their child's public benefits or insurance to pay for services under the IDEA. The notice must be written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless it is clearly not feasible to do so.
4. If any child is eligible for Medicaid, but not a current Medicaid recipient, the Board will request and assist the parent or guardian of that child with applying for Medicaid.

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students (continued)

5. If any child is eligible for Medicaid, the Board will request that the parent or guardian of the child give written permission to allow the Board to request Medicaid reimbursements for eligible health related special education costs.
 - A. If written permission described is received, the Board will submit claims to Medicaid through the State Department of Administrative Services for reimbursement of any health related cost.
 - B. If written permission is denied, the Board will terminate its efforts to secure Medicaid reimbursements otherwise applicable to the child.
6. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid, reimbursement is strictly optional.
7. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid reimbursement, the child will receive all special education services to which he/she is entitled without delay, at no cost to the parent or guardian.
8. The Board will provide, not later than July 1, 2013, written notification to all parents and guardians of children who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. After such date, the Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.
 - A. The written notification shall be provided prior to the student's planning and placement team (PPT) meeting.
 - B. The parent or guardian shall complete and sign the consent form at the PPT meeting.
 - C. Once the district obtains this one-time consent, it is not required to obtain any further parental or guardian consent in the future. However, written notification must be provided annually.

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services.)

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students

Legal Reference: Connecticut General Statutes (continued)

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007

34 C.F.R. §300.154(d) – Individuals with Disabilities Act (IDEA) Part B, related to parental consent to access public benefits or insurance

Regulation approved:

(Reviewed and approved by Policy Review Committee)

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

**Billing Medicaid for Health-Related Services in Student's
Individualized Education Program (IEP)
Information and Answers for Families**

Why are school districts billing Medicaid?

The Individuals with Disabilities Education Act (IDEA) allows certain services provided under an Individualized Education Program (IEP) to be covered by Medicaid. Medicaid funds help pay for the costs of providing these services.

What can school districts bill Medicaid for?

School districts can only bill for health-related services that are outlined in the student's IEP. In general, services for which school districts may bill Medicaid are: audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.

Do school districts need parental consent to bill Medicaid?

Yes. Before billing Medicaid for the first time, the school district must ask for your permission to bill your or your child's public benefits or insurance to pay for your child's related services under the IDEA. School districts are required by the Family Educational Rights and Privacy Act (FERPA) to obtain parental consent before sharing information about a student. This includes sharing personally identifiable information about a student to Medicaid. To receive funding from Medicaid to help pay for the cost of services, the school district must have parental consent to bill Medicaid.

Can parents withdraw their consent to bill Medicaid?

Yes. Parents have the right to withdraw their consent at any time.

If consent is not given by parents to bill Medicaid, will their children still receive IEP services?

Yes. Districts are required to provide all IEP services, at no cost to parents, even if the district cannot bill Medicaid. A school district may not require parents to sign up for or enroll in public insurance programs in order for their child to receive a free, appropriate education under IDEA, Part B.

If school districts bill Medicaid, will Medicaid services that parents or guardians receive outside school be affected?

No. Medicaid services received outside school and the child's IEP are authorized separately. The district may not use your child's benefits under a public benefits or insurance program if that use would result in a decrease of any other insured benefit; result in the family paying for services that would otherwise be covered by a public benefits or insurance program and that are required for the child outside of time the child is in school; result in discontinuation of coverage; or result in the risk of loss of eligibility for home and community based waivers based on aggregate health-related expenditures.

If medical service benefits are affected, families may contact HUSKY Health at 1-800-859-9889 (Monday – Friday, 9 a.m. – 7 p.m.).

If behavioral health service benefits have been affected, families may contact the Connecticut Behavioral Health Partnership at 1-877-552-8247 (Monday – Friday, 9 a.m. – 7 p.m.).

Are school districts required to notify parents? If so, how often must parents be notified?

As the parent or guardian of a student who has or may have a disability, you have certain rights under federal and state law. Your child's school district must provide you with written notification of these rights regarding parental consent prior to accessing your public benefits or insurance for the first time and annually thereafter. **This document serves as your written notification.**

Where can parents get more information about this?

The US Department of Education Web site at: <http://www2.ed.gov/policy/speced/reg/idea/part-b/part-b-parental-consent.html>.

School: _____

Address: _____

Telephone: _____

Website: _____

A new policy.

Business/Non-Instructional Operations

Individuals with Disabilities Education Act Fiscal Compliance

The Enfield Board of Education will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 42 U.S.C. § 1400 et. seq. ("IDEA"), and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time. The Superintendent or designee shall develop administrative regulations with regard to such fiscal compliance.

Legal References: Individuals with Disabilities Education Act, 42 U.S.C. § 1400, et seq. (IDEA)
34 C.F.R. § 300.144
34 C.F.R. § 300.202(a)(3)
34 C.F.R. § 300.133(d)
34 C.F.R. § 300.172
34 C.F.R. § 300.205(d)
34 C.F.R. § 300.226(a)
34 C.F.R. § 300.209(b)
34 C.F.R. § 300.8 18, Appendix A

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new administrative regulation.

Business/Non-Instructional Operations

Individuals with Disabilities Education Act Fiscal Compliance

The Enfield Board of Education will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 42 U.S.C. §1400 et. seq. ("IDEA"), and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time.

1. Property, Equipment and Supplies

The Board, through the Director of Special Education or designee, shall ensure that any property, equipment or supplies purchased with funds from an IDEA grant shall be purchased, used and maintained in accordance with such grant requirements. Among any other statutory or regulatory requirement, the Director of Special Education or designee must ensure that:

- A. All property, equipment and supplies purchased with IDEA grant funds are labeled as such, including equipment supplied to student with disabilities attending private schools at parental expense;
- B. A labeling procedure is in place for all property, equipment and supplies purchased with IDEA grant funds;
- C. All property, equipment and supplies purchased with IDEA grant funds are used for assistive technology, instructional or educational purposes;
- D. Copies of purchase orders for property, equipment and supplies purchased with IDEA grant funds indicate the source of funding for such purchases;
- E. A tracking procedure is in place for all property, equipment and supplies purchased with IDEA grant funding.

Any procedures mentioned above shall be developed and maintained by the Director of Special Education or designee.

2. Supplanting

Funding provided to the Board through an IDEA grant must be used to supplement state, local and other federal funds, not to supplant those funds. The Board shall comply with all federal and state laws in this regard.

3. Parentally Placed Private School Special Education Students – Expenditures

The Director of Special Education or designee will maintain an ongoing census of all students with disabilities who are eligible for special education and related services and attend school within the geographical bounds of the district. Eligible students with disabilities who attend private schools within the geographical bounds of the district will receive services equal to a proportional share of the IDEA grant funds received annually by the district. The proportionate share shall be calculated on an annual basis in accordance with federal law, but no later than October 1st of any given year. Calculation of the proportionate share shall be the responsibility of the Director of Special Education or designee.

Business/Non-Instructional Operations

Individuals with Disabilities Education Act Fiscal Compliance (continued)

The Director of Special Education or designee shall meet annually with all private school representatives to consult on matters related to the distribution of funds under the IDEA. Documentation regarding annual meetings shall be maintained by the Director of Special Education or designee.

The Director of Special Education or designee shall annually maintain budgets with regard to the manner in which IDEA grant funds are expended for eligible parentally placed private school students with disabilities.

4. National Instructional Materials Accessibility Standard

The Board shall ensure compliance with the National Instructional Materials Accessibility Standard ("NIMAS"). In this regard, the Director of Special Education or designee shall maintain procedures to inform all staff within the district how a blind and/or print disabled student shall be referred in order to receive materials from the National Instructional Materials Access Center ("NIMAC"). Such procedures shall include, but not be limited to, the following:

- A. Initial referral to a planning and placement team ("PPT"), or if such child is already identified as having a disability under the IDEA, direct referral to the child's PPT;
- B. Identification of the name of the district personnel who shall receive, and are responsible for, referrals for the receipt of materials from NIMAC; and
- C. The requirement that either (i) publishers prepare and, on or before delivery of the print instructional materials, provide to the NIMAC, electronic files containing the contents of the print instructional materials using the standards of the NIMAS; or (ii) instructional materials are purchased from the publisher are produced in, or may be rendered in, specialized formats.

5. Coordinated Early Intervening Services

Coordinated Early Intervening Services ("CEIS") may be used to support students in grades K-12 who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in a general education environment. Up to 15% of IDEA grant funds may be used for CEIS. In this regard, the Director of Special Education or designee shall maintain procedures to ensure that:

- A. The funds used for CEIS are used only for the K-12 levels;
- B. Students receiving CEIS are tracked directly over a three-year period to determine if, at any time during this period, these students should be referred for special education services; and
- C. Documentation of funds spent on professional development are maintained, which documentation shall include the teachers who receive professional development for CEIS and the names of the students of those teachers who would have benefited from the teacher receiving the professional development.

Business/Non-Instructional Operations

Individuals with Disabilities Education Act Fiscal Compliance (continued)

6. Charter Schools

In compliance with federal law, the Board shall ensure that all eligible students with disabilities who attend charter schools that are part of the district receive special education services in the same manner as eligible students with disabilities who attend other district schools. Further, the Board shall ensure that IDEA grant funds are provided to charter schools within the district that serve eligible students with disabilities on the same basis as the district provides funds to other public schools within the district.

7. Excess Costs Calculation - Federal Requirement

The Board shall comply with federal law with regard to the calculation of excess cost. The Director of Special Education or designee shall maintain documentation regarding the separate excess cost calculations for elementary and secondary school students, as well as the formulas used for each level of students.

Legal References: Individuals with Disabilities Education Act, 42 U.S.C. § 1400, et seq. (IDEA)
34 C.F.R. § 300.144
34 C.F.R. § 300.202(a)(3)
34 C.F.R. § 300.133(d)
34 C.F.R. § 300.172
34 C.F.R. § 300.205(d)
34 C.F.R. § 300.226(a)
34 C.F.R. § 300.209(b)
34 C.F.R. § 300.818, Appendix A

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 3160 adopted 2/24/09, appropriate as written,
except for update to legal reference.*

Business/Non-Instructional Operations

Disposal of Educational Materials

It is the intent of this policy that educational materials 10 years or older which no longer are of value to the instructional program of the Enfield Public School System, may be disposed of in the following manner:

1. Contributions to Civic Organizations (private non-profit agencies)

When the above consideration has been exhausted, the Superintendent of Schools shall provide for the disposal of materials in the following manner:

1. Recycling program – Town of Enfield
2. Take whatever steps are necessary to appropriately dispose of the materials.

Educational materials where the physical condition has been judged to be so poor, as to be unusable, may be disposed of at anytime.

In all matters concerning the above, the Superintendent of Schools shall have the authority to dispose of these educational materials and the decision of the Superintendent of Schools will be final.

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education.

10-240 Control of schools.

10-241 Powers of school districts.

Town Council – Resolution #4053 February 19, 1980

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

School Fund Raisers

It is the responsibility of the Board to control fund-raising activities which involve the students in the Enfield school system.

Any school-based organizations, including parent/teacher groups and organizations, wishing to engage in a fund-raising activity, must have prior approval from the school Principal.

The following guidelines shall apply when a school Principal considers a fund-raising activity for approval:

- The gift or donation for which the fund-raiser is held shall be of sufficient benefit to the school and/or students to justify the fund-raising activity.
- The anticipated gift or donation shall not supplant an item which had been part of the normal operational budget within the previous two fiscal years, not the Board's responsibility for educational funding.
- The mechanics and procedures for fund-raising shall not be an unacceptable burden to school staff members nor subject the school to any significant risks or responsibilities in handling funds.
- Fund-raisers which involve students through their class, school club or group shall be supervised by a school designee (i.e., booster club, PTO) who, along with the school Principal, accepts the responsibility for the mechanics and procedures of the fund-raiser.
- The number of fund-raising activities per school year shall not be excessive, and shall be appropriate to the school environment.
- Students in grades K-5 shall not be asked to solicit outside of their home.

(cf. 1324 – Fund Raising In and For the Schools)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Business/Industry/Corporate Involvement in Education

It shall be the policy of the School District to pursue corporate fundraising and partnership opportunities in a manner designed to further the educational mission of the District. This is viewed as a collaborative program to create a spirit of involvement in and concern for the public schools. A partnership is defined by the Board of Education (Board) as one in which a particular business or corporation agrees to serve as a formal sponsor, financing all or part of the cost of a school organization or activity, but allowing the school officials to maintain control of the organization or activity.

The fundraising program is designed to establish a people-to-people relationship between business, industry, labor, or civic groups and the School District. The program shall be based upon the premise that the community and the District realize the importance of quality education and will work cooperatively to achieve that goal.

Thus, fundraising and partnership proposals shall be evaluated by a committee comprised of some Board members, the Superintendent or his/her designee, selected members of the administration, faculty members and members of the student body. Such committee shall establish criteria to insure that the educational interests of the District are demonstrably enhanced by the adoption and acceptance of any fundraising proposals or partnership proposals.

The Board may engage the services of a person or firm on such terms as it may approve to pursue fund-raisers and corporate partnership/proposals opportunities for presentation to the committee for its review. The Board of Education will approve or reject proposals. All approved proposals shall be evaluated annually with such evaluations to be presented to the committee for its review and recommendations to the Board of Education.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Relations with Vendors

The school district shall not extend favoritism to any vendors. Each order shall be placed on the basis of quality, price and delivery with past service being a factor if all other considerations are equal.

Conflicts of Interest and Endorsements

The district will not purchase supplies or materials from a staff member of the school district, nor from a member of the household of the staff member unless the purchase follows the formal purchasing procedures.

Employees of the district will not endorse products or services in such a manner that will identify him/her as an employee of the district.

Affirmative Action

The school district shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, gender identity or expression, or physical handicap or disability, either in employment practices or in the provision of benefits or services to students or employees.

Legal Reference: Connecticut General Statutes

4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities

4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation

46a-58 through 46a-81 re discriminatory practices

Title VII, Civil Rights Act, 42 U.S.C. 2000e et seq. as amended by Title IX, Equal Employment Opportunity Act

Title IX of the Education Amendments of 1972; 42 U.S.C. 1134n et seq. (Higher Education Act)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, number 3320 adopted 2/24/09, modified.

Business/Non-Instructional Operations

Purchasing Policy

The Business Manager, having direct line responsibility to the Superintendent of Schools, is authorized to purchase all goods and services for the Enfield Public School System. ~~He~~ They shall be responsible for developing and administering the purchasing program of the School Board.

Procedure

1. For any school expenditure, which may be made within the limits of the major classifications of the approved budget, the Business Manager having direct line responsibility to the Superintendent of Schools, may approve and direct purchases not to exceed ~~one thousand dollars (\$1,000)~~ three thousand dollars (\$3,000) for any one expenditure.
2. Approval of the budget authorizes the Superintendent to approve and direct purchases exceeding ~~\$1,000~~ \$3,000 for any one expenditure, providing the item is specifically listed in the budget.
3. All purchases less than ~~\$3,000~~ \$5,000 and greater than \$1,000 for any one expenditure will be made in the open market, but shall be based on at least three (3) competitive quotations or prices. All purchases made in the open market shall be consummated after careful review.
4. All contracts for and purchases of, supplies, materials, equipment, contractual services, etc. in excess of ~~\$3,000~~ \$15,000 including a continuing order or contract for the purchase of the same commodity over a period of time shall be based, unless it shall be determined by the Board to be against the best interest of the school system, on competitive sealed bids or proposals, giving ten (10) days public notice thereof, by publication, at least once in a newspaper having major daily exposure or trade journals in the town and shall let the purchase or contract to the lowest responsible bidder thereon or may reject portions of or all such bids or proposals.
5. No purchase will be made without an authorized pre-numbered sticker purchase order. Purchase order numbering and control shall be exercised from one central location.
6. The Superintendent of Schools may, at his discretion, utilize other governmental agencies' bid awards in complying with this policy.
7. All purchase orders will be ~~canceled~~ closed upon completion.
8. Deviations from the requirement to bid may be authorized by the Superintendent of Schools for textbooks and other related classroom materials.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing regulation, presently numbered 5135.1 approved 11/17/75, modified.

Business/Non-Instructional Operations

Interscholastic Sports Activity Fund

I. Purpose

To provide a uniform system of accountability of funds received from interscholastic sports activities.

II. General Comments

- A. Monies received from our various athletic contests will be used first to defray the costs of these contests and then to provide additional aid to the maintenance of a total athletic program within the school system.
- B. Expenditures from the interscholastic fund may only be authorized by the Director of Athletics, and the Superintendent of Schools or his designated representative.

III. Procedure

- A. The Faculty Manager will record and deposit all gate receipts.
- B. The Faculty Manager will approve all expenditures of gate receipts required to defray the cost of participating in these games. This will include a list of doctors, officials, police, and other supporting personnel with the respective amounts to be paid to these individuals. Also, include any supplies required to support a particular game.
- C. All expenditures of gate receipts, as listed in "B" above, must be authorized by the Director of Athletics.
- D. The fund bookkeeper will record all receipts and prepare all expenditure checks.
- E. All payments will be by check and will require two signatures. The Superintendent of Schools and the Business Manager.
- F. All monies above those required to support our games will be used by the Director of Athletics to supplement the Board of Education budget and to develop a total athletic program.

Legal Reference: Connecticut General Statutes
10-237 School Activity Funds

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing regulation, presently numbered 3210.1 approved 9/01, appropriate as renumbered.

Business/Non-Instructional Operations

Gate Receipts

Gate receipts received from all interschool activities shall be deposited into the designated account immediately following the event. Record of each deposit will be submitted to the Business Manager with all appropriate documentation.

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Policy:

It is the policy of the Enfield School System to comply with all aspects of the Section 504 regulations of the Rehabilitation Act of 1973. Section 504 prevents discrimination against otherwise qualified individuals with disabilities in programs and activities operated by the school system.

No otherwise qualified individual with disabilities shall, solely by reason of her or his disability, as defined in Section 706(8) of the Rehabilitation Act, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Enfield School System.

The district has a responsibility to follow the procedural requirements of Section 504 to afford each student a free, appropriate education, which includes procedures for pre-placement evaluation, placement procedures and procedural safeguards. Additionally, Section 504 addresses placement in the LRE for both academic and nonacademic settings. The district also recognizes that there may be some impaired students who are not eligible for Special Education services under IDEA but who have documented disabilities and eligible for services and protection from discrimination under the Section 504 definitions and regulations.

In order to ensure that the Enfield School System does not discriminate in providing equal access to programs and services on the basis of disability, the following definitions, requirements and procedures are provided.

Definitions:

Disability means limitation in performance from a physiological (physical or mental) abnormality which substantially limits one or more major life activity, has a record of such an impairment, is regarded as having such an impairment.

Physical or Mental Impairment means (i) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body system; (ii) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Major Life Activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Appropriate Education means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of people with disabilities as adequately as the needs of non-disabled persons. Implementation of an individualized education plan developed in accordance with the Individuals With Disabilities Act is one means of meeting this standard.

Business/Non-Instructional Operations

Compliance with 504 Regulations (continued)

Committee of Knowledgeable People means persons knowledgeable about the child, the meaning of evaluation data, and programming options. (A properly constituted Planning and Placement Team of Student Assistance Team would meet this definition.)

Requirements:

1. That Enfield Public Schools annually locate and identify qualified persons with disabilities residing in the district who are not receiving a public education.
2. Notification of the school system's legal requirements is provided to persons with disabilities and their parents or guardians.
3. Provision of educational services in a setting with persons who are not disabled, to the maximum extent appropriate to the needs of the student's with disabilities. The school system shall make reasonable accommodations to allow a disabled student placed in the regular education environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services, cannot be achieved satisfactorily.
4. Provide pre-placement evaluation consistent with that required under IDEA.
5. Ensure that placement decisions are carefully considered by a group of persons knowledgeable about the child, the meaning of the evaluation data and program options.
6. Provide periodic reevaluation of students found eligible for services.
7. Develop procedural safeguards consistent with that required under IDEA.
8. Ensure access to non-academic and extracurricular services and activities in such a manner as to afford students with disabilities an opportunity for participation in such services and activities. The "Committee of Knowledgeable People", e.g. PPT shall consider the impact of any modifications on other non-disabled classmates.
9. Ensure the availability of procedures for filing a grievance with the school district over an alleged violation of Section 504 regulations.
10. Identify at least one person to coordinate compliance and identification procedures.

Procedures:

1. **Identification and Notification:** The Office of Special Services annually conducts child find activities to identify any person between the ages of 0-21 who is, or may be in need of special services. Notification is accomplished by communication through the media, direct mailing to social service agencies and dissemination to staff. (See Appendix #1 for Notification form)
2. **Least Restrictive Environment:** Each committee of knowledgeable people (Student Assistance Team, Planning and Placement Team or other appropriate group) is aware of the district practice to ensure students are educated with their non-disabled peers as often as possible and in the most appropriate way. All programs are developed with this requirement in mind.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Procedures: (continued)

3. **Evaluation:** Referrals for evaluation are made by the Planning and Placement Team (PPT). All statutory requirements for evaluation are adhered to closely. The evaluation period will be the same as for referrals under IDEA (45 days).
4. **Placement/Program Development:** Each PPT will reconvene at the conclusion of the evaluation to consider evaluation results, determine eligibility and develop appropriate programming. A written service plan is developed and maintained by the primary service provider. The plan is reviewed and/or updated throughout the school year as the child's needs warrant. All students who have undergone special education evaluations are automatically considered for eligibility under Section 504, i.e. for students who are not eligible for Special Education under IDEA, the PPT may consider eligibility under Section 504. Discussions of eligibility must be included in the record of the PPT meeting, including clearly delineated recommendations. (See Appendix #2 for Section 504 Service Plan.)
5. **Periodic Reevaluation:** All students receiving services under Section 504 are reevaluated at least every three years following procedures promulgated under IDEA and covered in this manual Special Services.
6. The Director of Special Services will be identified as the 504 Coordinator for the Enfield School System. This individual will convene a Committee of Knowledgeable People (PPT) to address 504 referrals.
7. **Grievance Procedures:** Students, parents or other individuals in the school district may register complaints regarding accessibility and other 504 regulations through the grievance procedures noted in Appendix #3.

(cf. - 5145 - Statement of Non-Discrimination)

Legal Reference: Connecticut General Statutes
 10-15c Discrimination in public schools prohibited
 Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et. seq.
 Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. 791

NOTE: Forms relative to this Policy are available at:

1. Superintendent's Office
2. Principal's Office
3. Special Services Office

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new regulation to consider.

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973

A. Identification and Referral Procedures

Any student with a disability who needs or is believed to need accommodations, modifications, or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate.

The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation is required and will inform the parents or guardian of this decision and of their procedural rights.

B. Evaluation

1. If a child needs or is believed to need special education, related services, and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973, the school district must evaluate the child.
2. Notification, not consent, of the parent/legal guardian is required for Section 504 evaluation or re-evaluation. The person responsible for the Section 504 referral should communicate in-person or by telephone with the parent/legal guardian in addition to sending the Receipt of Section 504 Referral Notice, the Parent/Student Rights in Identification, Evaluation, Accommodation and Placement and a copy of the Referral for Section 504 Services.

Note: Written consent from the parent/legal guardian is required if psychological testing is to be part of the Section 504 evaluation process.

3. The Section 504 evaluation
 - should be based on information from a variety of sources: e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community;

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

B. Evaluation (continued)

- should document and consider all available pertinent information: e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity;
 - should be conducted by a team or group of persons including those who are knowledgeable about the child, the suspected handicapping condition, evaluation procedures, the meaning of evaluative data, and accommodation/placement options;
 - should utilize assessment materials, tests, and/or evaluation procedures which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.
4. Section 504 evaluation procedures may include:
- review of school records;
 - interviews with persons knowledgeable about the child's functioning;
 - observations in the school, home or community environments;
 - administration of educational; and/or
 - psychological measures appropriate for assessing the presenting concern.
5. The parent/legal guardian must be invited to participate in the Section 504 Evaluation Meeting where the results of the evaluation, the determination of handicap, and possible accommodation/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.
6. In order to determine Section 504 eligibility during the evaluation meeting, the team should consider the following steps:

Discuss evaluation material {which may include the following}:

- statements and information from teachers and other school staff members;
- social and cultural background information;
- assessment and/or testing information (e.g., behavioral observations, adaptive behavior, academic achievement, cognitive functioning);
- statements and information from physicians or other professionals; and
- statements and information from parent/legal guardian and/or persons in the community.
- school attendance information

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

B. Evaluation (continued)

Determine whether a physical or mental impairment can be identified:

- Does the student currently have a mental and/or physical impairment that can be verified by reference to documentation by a physician or other professional?
- Or does the student have a record of an impairment of condition?
 - Is there a history of a disability?
 - Is the student misclassified as disabled or handicapped?
- Or is the student regarded as having such an impairment of condition? (whether true or not)?
 - Whether true or not, is the student treated as though he/she has a disability or impairment?
 - Or does the student have a physical or mental disability that substantially limits a major life activity simply because others treat the student as if s/he had an impairment?

Determine whether the impairment or condition substantially limits one or more major life activities.

“**Substantial**” relates to the limitation of a major activity, not the condition or handicap {e.g., a substantial limitation to learning}.

“**Substantial**” is not defined. It is suggested that the evaluation team consider the impact of the impairment on the student’s learning and/or educational program. Areas of possible impact might include the following:

- grades
- accessibility to all aspects of the curriculum {e.g. participation in physical education classes}
- academic productivity and performance
- social/interpersonal relationships
- behavioral/emotional status
- extracurricular activities

Identify the major life activity that is affected by the student’s impairment. For example: learning, breathing, speaking, seeing, hearing, and/or walking. This list is exemplary and not exhaustive.

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

B. Evaluation (continued)

Ask the question: "Is the student afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age-appropriate peers?"

Determine whether the student qualifies as disabled under Section 504:

- the student has, has a record of, or is regarded as having a physical or mental impairment;
 - the impairment substantially limits one or more major life activities for that person.
7. If the student is determined to be disabled under Section 504 and requires accommodations, modifications, or services to be provided with an equal educational opportunity, the 504 Team must develop a written Section 504 Education Plan which documents the regular education accommodations and/or services that will be provided in order to meet the educational needs of the disabled student.
 8. Periodic reevaluation is required by Section 504 regulations. Reevaluation of the Section 504 Education Plan is recommended once per year or upon significant change in school placement or program.

C. Accommodation Plan

The parents or guardian shall be invited to participate in a 504 Team meeting where accommodations, modifications and/or services for the student will be determined, and the parents shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a written plan describing the disability and the accommodations and modifications needed to provide the student with an educational opportunity equal to that provided to non-disabled students. The 504 Team should ask the question, "What reasonable accommodations, modifications and/or services are needed to ensure that the student with a qualifying disability under Section 504 receives an educational opportunity equal to that afforded to non-disabled students?" The plan will specify how the accommodations and modifications or services to be provided and by whom. In developing the plan, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

C. Accommodation Plan (continued)

The team may also determine that no accommodations and modifications, or services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no accommodations, modifications or services are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not handicapped to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the accommodations and modifications or services to be provided and the parents shall be notified of the safeguards available to them, including the right to an impartial hearing.

If a plan for providing accommodations, modifications, or services is developed, all school personnel who work with the student shall be informed of the plan and a case manager will be assigned to monitor student progress.

D. Review of the Student's Progress

The 504 Team will monitor the progress of the student with a disability and the effectiveness of the student's education plan at least once every year to determine whether accommodations, modifications, or services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Any student who needs or is believed to need additional services beyond the scope of the Section 504 Student Accommodation Plan should be referred to the Planning and Placement Team for consideration of additional evaluation(s), and/or eligibility for special education services.

E. Procedural Safeguards

The parents or guardian shall be notified that they may examine relevant educational records concerning their child.

The parents or guardian shall have the right to an impartial hearing (Section 504 due-process hearing) with opportunity for participation by the parents or guardian and their counsel regarding all decisions made by the 504 Team.

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

E. Procedural Safeguards (continued)

A request for a Section 504 due-process hearing shall be made by the parent or guardian within twenty (20) calendar days of the parents' receipt of notice of the 504 Team's decision and their right to file for an impartial hearing.

Upon receipt of a parent's request for Section 504 due-process hearing, the school district shall appoint an impartial hearing officer and schedule a due process hearing within 10 days. Decisions will be rendered in accordance with Section 4-180 of the Connecticut General Statutes.

The request shall be made in writing to:

Director of Pupil Services/Director of Special Education/Director of Special Services

The school district will appoint an impartial hearing officer. The hearing will be held in accordance with the provisions of sections 4-176e, 4-177, 4-177b, 4-177c, 4-178, and 4-180. The Section 504 Coordinator may suggest that the grievance procedure be exhausted prior to a Section 504 due process hearing being held.

F. Designation of Responsible Employee

The Superintendent shall designate a Coordinator to coordinate the District's efforts to comply with Section 504. Currently, the Section 504 Coordinator is the Director of Pupil Services.

G. Grievance Procedure

Complaints about facilities or services offered by the District schools may be filed with the Director of Special Services. A form is provided for this purpose.

The following information is required when completing a complaint.

- Name(s) of person(s) or group making the complaint.
- Whether the person(s) represents an individual group.
- Whether the person(s) making the complaint has discussed the problem with the site administrator.
- A summary of the complaint and suggested solution(s).

Business/Non-Instructional Operations

Compliance with Section 504 of Rehabilitation Act of 1973 (continued)

G. Grievance Procedure (continued)

Processing of the Complaint:

Level 1: The complaint shall be presented in writing, with a suggested solution, to the Section 504 Coordinator. The Section 504 Coordinator will have TEN (10) school days to mail a reply to the Complainant.

Level 2: If the Complainant is not satisfied with the response received from the Section 504 Coordinator, or if no response is mailed by the 504 Coordinator within ten (10) business days, the Complainant may request an impartial due process hearing to review the Complaint, under section (E) above.

If the issues in the complaint relate to provision of a free and appropriate public education for an individual student, the student may be referred to a Section 504 Team or Planning and Placement Team at any point during the processing of the complaint.

H. Public Notice

The Enfield Public Schools shall provide continuing notice to the public, and the staff and students that it does not discriminate on the basis of disability with regard to admission or access to, or treatment or employment in programs and activities of the District schools. Continuing notification may include the posting of notices, publication in local newspapers, placement of notices in school district publications and student/parent handbooks and distribution of memoranda or other written communication.

Notice of Non Discrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of Education are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the Board of Education compliance with the regulations implementing Section 504 is directed to contact:

Director of Pupil Services/~~Director of Special Education~~/~~Director of Special Services~~ (please select one)

who has been designated to coordinate the District's efforts to comply with the regulations implementing Section 504.

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Business/Non-Instructional Operations

Compliance with 504 Regulations

Parents/Students Notification

REGARDING SECTION 504 RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

The following is a description of the rights granted by federal law to students with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping condition. If you are identified as a handicapped parent you also have the right to ask for reasonable accommodations so that you may participate in the planning of your child's educational program;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities;
5. Have your child educated in facilities and receive services comparable to those provided non-handicapped students;
6. Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from school that allows your child to take part in educational services described by the Committee of Knowledgeable People, e.g. PPT.

Business/Non-Instructional Operations

Compliance with 504 Regulations

Parents/Students Notification (continued)

9. Have your child be given the equal opportunity to participate in non-academic and extra-curricular activities offered by the district;
10. Examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the State Department of Education;
15. File a local grievance.

The person in this district who is responsible for coordinating 504 compliance and identification procedures is the Director of Special Services. *(local district to insert name, location and telephone number.)*

A new policy. Please select contact where language is italicized and bolded.

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds

Goal: It is the goal of the Board of Education (Board) to ensure that all facilities, grounds, equipment, and vehicles meet accepted injury and violence prevention standards for design, installation, use, and maintenance.

Safety and Hazard Assessments: *The* ~~Schools/District~~ shall develop and implement a written school security and safety plan to conduct regular safety and hazard assessments of all classrooms, buildings, school grounds, gymnasiums, playgrounds, sports-related equipment, and buses and other vehicles used to transport students.

The school security and safety plan shall be an all-hazards approach to emergencies at schools and shall include, but not be limited to:

1. Involvement of local officials, including the First Selectman/Mayor/Town Manager, Superintendent of Schools, law enforcement, fire, public health, emergency management and emergency medical services, in the plan's development.
2. A command center organization structure based on the federal National Incident Management System and a description of the responsibilities of such command center organization.
3. A requirement that a school security and safety committee be established of each school.
4. Crisis management procedures.
5. A requirement that local law enforcement and other local public safety officials evaluate, score and provide feedback on fire drills and crisis response drills.
6. A requirement that the Board of Education submit annually reports to the Department of Emergency Services and Public Protection regarding fire drills and crisis response drills.
7. Procedures for managing various types of emergencies.
8. A requirement that the Board of Education conduct a security and vulnerability assessment for each school in the district every two (2) years and develop a school security and safety plan for each school based upon the school security and safety plan standards developed by the Department of Emergency Services and Public Protection. (DESPP)

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

9. A requirement that the Safe School Climate Committee of each school collect and evaluate information relating to instances of disturbing or threatening behavior that may not meet the statutory definition of bullying.
10. A requirement that each school provide an orientation pertaining to the security and safety plan to each employee and provide violence prevention training as prescribed in the school security and safety plan.

The Board will annually submit each school's security and safety plan to the Department of Emergency Services and Public Protection.

Note: The development implementation of a school security and safety plan for each school, based upon the DESSP standards is required for the school year commencing July 1, 2014, and each school year thereafter.

The plan shall include provisions for reporting hazards to appropriate staff, prompt repairs or upgrade of identified hazards and other shortcomings, and appropriate communication of repair/upgrade plans to staff, students and family members.

Safety and hazard assessments shall be conducted ~~annually/other~~ ^{monthly} for building facilities and grounds and ~~monthly/other~~ for classrooms, gymnasiums, playgrounds, sports-related equipment, laboratories, and industrial arts facilities. The ~~school/district~~ shall report annually on safety and hazard assessments to the Superintendent of Schools or his or her designee. ~~Written inspection reports shall be kept on file for 10/other years. School/District shall correct identified hazards before used by students, staff, or community members.~~

Maintenance: ~~Schools/District~~ shall develop maintenance plans for all classrooms, buildings, school grounds, gymnasiums, playgrounds, sports-related equipment, and buses and other vehicles used to transport students. The plan shall include provisions for reporting maintenance needs to appropriate staff, schedules of maintenance activities, and communication of details to appropriate staff, students, and family members. ~~Maintenance reports shall be kept on file for 10/other years.~~

Supervision of Students: All school-related activities shall be supervised by adults to enforce safety rules and prevent injuries. At least one adult trained in first aid, cardiopulmonary resuscitation, and infection control shall always be available when students are present on school grounds to respond to injuries and medical emergencies. All adults supervising playgrounds, athletic fields, gymnasiums, science classrooms, industrial arts classrooms and cafeterias shall have easy access to appropriate first aid supplies. Supervising adults shall be informed of any relevant medical guidance on file with the school concerning limits on the participation of individual students in physical activity. Such information will be treated with strict confidentiality.

Business/Non-Instructional Operations

Safety

Safe and Secure School Facilities, Equipment, and Grounds (continued)

Staff Training: All school personnel, including bus drivers and athletic program coaches, shall receive adequate preparation and participate in ongoing professional development activities relating to preventing and responding appropriately to unintentional injuries and acts of violence at school. The professional development program shall include at a minimum the following topics:

- emergency response procedures, including the use of fire extinguishers;
- proper use of protective gear by students and staff when appropriate;
- identifying students in need of medical attention and referring them for appropriate services;
- administering first aid and cardiopulmonary resuscitation;
- methods of responding to bullying, sexual harassment, and threats of violence;
- identifying students who have been victims of crime or violent behavior and referring them for appropriate services; and
- maintaining student confidentiality.

School Security and Safety Committee

Beginning with the school year commencing July 1, 2014, and each school year thereafter, each District school shall have a school security and safety committee under the jurisdiction of the Board. Such committee is responsible for assisting in the development of the school security and safety plan for the school and administering the plan.

Membership must consist of a local police officer, a local first responder, a teacher at the school, a school administrator, a mental health professional (guidance counselor, social worker, school psychologist, school nurse, or child mental health specialist), a parent/guardian of an enrolled student and any other person the Board finds necessary.

Parents/guardians on the committee shall not have access to information about disturbing or threatening student behavior reported to the committee, as such access may compromise student confidentiality.

Policy Evaluation: The *Principal, school health coordinator/other* shall regularly monitor, evaluate, and submit an annual report to the *School Health Advisory Council/Board of Education/other* on the implementation of this policy and its effectiveness in reducing injuries at school. The report shall include recommendations for improvements to the policy and its implementation.

(cf. 3517 – Security of Buildings and Grounds)

(cf. 4148.1/4248.1 – An Act Concerning Gun Violence Prevention and Children's Safety)

Business/Non-Instructional Operations

Safety

Legal Reference: Connecticut General Statutes

10-203 Sanitation

10-207 Duties of medical advisers

10-231 Fire Drills

29-389 Stairways and fire escapes on certain buildings.

P.A. 13-3 An Act Concerning Gun Violence Prevention and Children's Safety

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3511 adopted 2/24/09, appropriate as renumbered.

Business/Non-Instructional Operations

Fire Safety Program

Administration

1. The Superintendent is responsible for the overall program. Principals are responsible for their schools.
2. A Fire Safety Coordinator shall be appointed to assist the Superintendent in developing the highest level of fire safety in all the schools. The Coordinator's Position Description shall require that she/he develop the administrative procedures to implement this Board Policy, to administer campaigns, to arrange seminars, and to distribute information.

Means of Egress

1. The existing evacuation plan, layout, illumination, and exit markings for each school shall be reviewed by the Principal, Fire Marshal, and Fire Safety Coordinator. A summary report and diagram shall be prepared, and continually up-dated, for each school. Proposed modifications shall be submitted for review in the conceptual stage. This shall include any changes in conditions caused by workmen during alterations, or by students for special events.

Features of Fire Protection

1. Protection of vertical openings; interior finish; signaling systems; automatic sprinklers; hose standpipes; segregation and protection of hazards; smoke partitions; and fire doors for each school shall be reviewed by the Principal, Fire Marshal and Fire Safety Coordinator. A summary report and diagram shall be prepared, and continually up-dated, for each school.

Proposed modifications shall be submitted for review in the conceptual stage. This shall include any changes in conditions caused by workmen during alterations, or by students for special events.

Drills

1. Drills shall be monthly. (Ref: App. A.2)
2. A third party shall witness or conduct drill, e.g., Fire Officers/Marshal, sharp-shoot operation, critique, and prepare report for/by Fire Marshal.

Business/Non-Instructional Operations

Fire Safety Program (continued)

Inspections

1. Conduct weekly self-inspection of entire school premises preferably Monday, AM. The inspection shall be assigned to a knowledgeable and conscientious individual. The weekly report shall be submitted to a supervisor with authority to correct deficiencies immediately. Reports shall be filed with the Principal for review by the Fire Marshal and Fire Safety Coordinator.
2. Conduct three inspections per year in September, pre-Christmas and April at each school. These inspections will be by the Fire Marshal and Principal.
 - a. The Fire Marshal's Report should be submitted to the Principal within 48 hours, with a copy for the Fire Safety Coordinator/Superintendent.
 - b. The Fire Marshal shall have immediate access to the School Superintendent, and the Board of Education as necessary, to gain corrective action for serious deficiencies.

Curriculum Development

1. The Administration shall phase in a mandatory course of study for fire safety. Other safety and survival related subjects shall be considered by the Administration for inclusion. (Ref: App. A. 3, 4, 5,6)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

REFERENCES

1. National Fire Code "Life Safety Code", Vol. 9, Sect. 101, ch. 5, 9, 14 (vo-ed), 15, 17.
2. Administrative Regulations "State Fire Safety Code".
3. "Fire and You", by H. Owens.
4. "Learn Not To Burn", Pilot curriculum project by NFPA.
5. Film "Our Obligation".
6. Emergency Care for Burns and Smoke...for Laymen by Dr. A. Phillips.

A new policy.

Business/Non-Instructional Operations

Outside Items in Classrooms and Offices

Purpose of Policy

It is the goal of the Enfield Public School System is to provide a safe and healthy learning and working environment for all students, faculty and staff. To maintain such an environment, it is necessary to regulate items that may be brought into the buildings as well as their placements.

General Statement

In recognition of recommendations made by OSHA, Enfield Fire Marshals as well as by Local and State Health Directors.

Policy Specifics:

- 1) **Definitions:**
 - a. Building administration refers to the Principal, Vice or Assistant Principal, Dean of Students, their assistants and any other administrative staff specific to a school building;
 - b. School administration refers to the Superintendent, the Deputy Superintendent and their support staff in Central Office;
- 2) Boxes, storage containers and other materials that have been previously stored in areas prone to mold and mildew growth (such a damp basements) shall under no circumstances be permitted into a building or classroom. Necessary storage containers can be provided by building administration;
- 3) To maximize room ventilation and heat, no items shall be stored on ventilators nor shall they be stored in such a fashion that would block such ventilation;
- 4) All materials shall be removed from shelving at the conclusion of the school year to facilitate summer cleaning. Should the need for any boxes or other storage items be anticipated, please advise building administration no less than 90 days prior to the close of the school year;
- 5) Neither space heaters, refrigerators nor microwaves, including combination micro-fridge units, are NOT permitted in any classroom.
- 6) HEPA filters are permitted though will not be provided by the district;
 - a. Any member of building administration, faculty or staff wishing to maintain a HEPA filter in their areas shall be responsible for its cleaning and upkeep. Failure to do so will result in the HEPA filter's removal from the building;

Business/Non-Instructional Operations

Outside Items in Classrooms and Offices

Policy Specifics (continued)

- 7) Plants, with the exception of those used for approved culinary or curriculum purposes, shall not be permitted in any classroom or office;
- 8) No more than one large area rug shall be permitted in each classroom;
 - a. "Large" shall be defined as any rug greater than 40 sq. ft. in area.
 - b. Any rug must be in good condition, short-fibered and accessible for regular vacuuming and cleaning.
- 9) **Electrical Items:**
 - a. Extension cords shall not be placed in locations where they may increase student and/or staff risk of tripping and/or falling. Such cords shall be in good condition, shall be free from fraying and shall not be placed under a rug;
 - b. No electrical cord shall be placed under a rug;
 - c. Any power strip or surge protector used in the classroom shall include circuit breaker/fuse protection. Any such strips or protectors must also have been certified by UL as evidenced by an approved label on the item;
 - d. No member of school faculty or staff shall tamper with color coded "SMART" power strips unless authorized by Town of Enfield Buildings and Grounds (B&G). Any issues with said "SMART" strips should be brought to the attention of B&G.
- 10) To maintain safe access into and out of the classrooms, especially in emergency situations, no materials shall be stacked so as to form a barrier within the classroom. Any such barriers will be removed by building custodial staff;
- 11) Artwork is permitted though it shall not cover greater than 20% of wall space nor shall any be placed on windows, light fixtures or in front of ventilation units;
- 12) No outside furniture shall be brought into the building. Should specific items be necessary, in order to accommodate a disability or ergonomic need, building administration should be notified;
- 13) No materials shall be hung within 18 inches of the ceiling not should any material be tied to or hung from the ceiling unless hung by a member of custodial staff and under the authorization of building administration.

Policy Enforcement:

- 1) Any staff member noticing a violation of this policy should advise building administration of the issue;
- 2) Building administration shall then contact the involved party or parties and advise them of necessary corrective action;

Business/Non-Instructional Operations

Outside Items in Classrooms and Offices

Policy Enforcement (continued)

- 3) If such action does not take place in a reasonable amount of time, building administration shall be empowered to advise custodial staff to bring the specific area into compliance with this policy;
 - a. If such action merits the removal of items from the room, such items shall be maintained in a safe area until the owner can remove such items from the building;
 - b. If such items represent an immediate health hazard, or if items are not removed from the premises Within a reasonable amount of time, custodial staff shall be authorized to dispose of such items in a safe manner consistent with applicable OSHA and environmental regulations.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing regulation, presently numbered 1241 approved 5/12/15, appropriate as renumbered, and with update to legal reference.

Business/Non-Instructional Operations

Safety

Sexual Offenders

Pursuant to state law, the Connecticut Department of Public Safety is obligated to notify school Superintendents whenever a sexual offender is released into the community or whenever a registered sexual offender changes his or her address.

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and prior to permitting a volunteer to work with students in any capacity. Registration as a sexual offender constitutes grounds for denial of employment and/or volunteer opportunities in the Enfield Public Schools.

The Superintendent or his/her designee shall provide training to appropriate staff members regarding the methods for accessing the sexual offender registry information posted on the Connecticut Department of Public Safety and the provisions of these regulations.

Legal Reference: Connecticut General Statutes

PA14-213, "An Act Concerning Notice To The Superintendent of Schools or Chief Executive Officer of A Municipality Upon Release or Relocation of a Registered Sexual Offender Into The School District or Municipality"

United States Code, Title 42 14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program Act.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3293 adopted 2/24/09, appropriate as renumbered, and with addition of legal reference.

Business/Non-Instructional Operations

Restitution for Property Damage (Vandalism)

The accidental or willful destruction and/or wrongful abstraction of school property are costly acts, which will not be condoned by the Enfield Board of Education. It is, therefore, the policy of the Board to diligently attempt to apprehend such persons responsible and to pursue the following course of action with regard to payment for damages.

Every effort will be made to receive full monetary restitution from the responsible person(s) and/or parents or guardians. In the event this effort is not successful, the Administration will assess their ability to pay. Depending upon the situation, the Board will either pursue full payment through the courts, or make suitable arrangements with the responsible parties to reimburse the Town of Enfield and/or the Enfield Public School System.

Legal Reference: Connecticut General Statutes

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

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

The Board of Education (Board) may, pursuant to this policy, enter into a contract with a third party for either or both of the following purposes:

1. To provide services, including Cloud-based services, for the digital storage, management, and retrieval of student records.
2. To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records in accordance with the contractual provisions listed below.

The Board, on or after October 1, 2016, when entering into a contract with a contractor for purposes listed above, shall ensure the contract includes, but is not limited to the following:

1. A statement that student records, student information and student generated content continues to be the property of and under the control of the Board. (They are not the property of, or under the control of a software or electronic service contractor.)
2. A description of the means by which the Board, students, their parents or legal guardians, may retain possession and control of student-generated content, and if applicable, means by which a student, parent or legal guardian of a student may transfer student-generated content to an electronic mail account.
3. A statement that the contractor will not use student information, student records, or student-generated content for any purposes except those the contract authorizes.
4. A description of the procedures by which a student, parent or legal guardian, of a student may review personally identifiable information (PII) contained in the student's record, student information or student-generated content and correct erroneous information, if any in such student material.
5. A statement that the contractor shall take actions designed to ensure the security and confidentiality of student records, student information, and student-generated content.
6. A description of the procedures that a contractor will follow for notifying a student, the parent or legal guardian of a student, parent, legal guardian of a student, and the Board, as soon as practical, but not later than forty-eight (48) hours after the contractor becomes aware of or suspects that any student record, student information, or student-generated content under the contractor's control has been subject to unauthorized access or suspected unauthorized access.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues (continued)

7. A statement that a student's records, student information, or student-generated content shall not be retained or available to the contractor upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the contractor for the purpose of storing student-generated content. (e.g. – essays, research papers, portfolios, creative writing, music, audio files, or photographs, but not standardized assessment responses.)
8. A statement that the contractor and the Board shall ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g.
9. A statement that Connecticut laws shall govern the rights and duties of all parties to the contract, (contractor and the Board).
10. A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the contract which can be given effect without the invalid provision or application.
11. A prohibition against the contractor using personally identifiable information contained in student records to engage in advertising or for any other purposes other than those authorized pursuant to the contract.

Any provision of a contract entered into between a contractor and the Board on or after October 1, 2016, that conflicts with the provisions listed above shall be void. Moreover, a contract is void if it lacks any of the above provisions. The Board will give the contractor reasonable notice to amend the contract to include the missing provisions.

Any contract entered into on and after October 1, 2016, that does not include the provisions listed above shall be void, provided the Board has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract to include the required provisions.

Not later than five business days after executing a contract pursuant to this policy, the Board shall provide electronic notice to any student and the parent or legal guardian of a student affected by the contract. The notice shall (1) state that the contract has been executed and the date that such contract was executed, (2) provide a brief description of the contract and the purpose of the contract, and (3) state what student information, student records or student-generated content may be collected as a result of the contract. The Board shall post such notice and the contract on the Board's Internet website.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues (continued)

The Board expects that an operator shall implement and maintain reasonable security procedures and practices to protect student information from unauthorized access, destruction use, modification and disclosure; that, based on the data's sensitivity and risk from unauthorized access, do the following:

1. use technology and methodologies consistent with guidance issued about protected health information under the federal Health Information Technology for Economic and Clinical Health Act of 2009. (HITECH Act),
2. maintain technical safeguards for student records in a manner consistent with federal HITECH Act regulations on technical safeguards for electronic protected Health Information, and
3. otherwise meet or exceed industry standards.

Notice of Breach of Security/Data Breacher

Upon notice of a breach of security by a contractor, the Board shall, within forty-eight (48) hours notify the students and the parents/legal guardians of the students whose student information, student records, or student-generated content was involved in such breach. The Board shall also, as required, post notice of the breach on its website.

Upon the discovery of a breach of security that results in the unauthorized release of student information, excluding directory information, the contract shall contain the provision that the contractor must notify the Board of such breach without unreasonable delay, and in no case later than thirty (30) days from the discovery of the breach.

Upon the discovery of a breach of security that results in the unauthorized release of directory information, student records, or student-generated content, the contract shall contain the provision that the contractor must notify the Board without unreasonable delay and in no case later than sixty (60) days from the discovery of the breach.

<p>Note: The Board may desire to contract for more prompt notice of a breach of security.</p>

Definitions

1. **“Contractor”** means an operator or consultant that is in possession of or has access to student information, student records or student-generated content as a result of a contract with a local or regional Board of Education.
2. **“Operator”** means the operator of an Internet website, online service, online application, (app) or mobile application with actual knowledge that such Internet website, service, or mobile application is used primarily for school purposes and was designed and marketed for school purposes and who collects, maintains or uses student information.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

Definitions (continued)

3. **“Consultant”** means a professional who provides non-instructional services, including administrative, planning, analytical, statistical, or research services to a board of education under a contract.
4. **“Student”** means a Connecticut resident enrolled in a preschool program participating in the state-wide public school information system, pursuant to section 10-10a of the general statutes, or enrolled in grades K to 12, inclusive, in a public school, or receiving special education and related services under an individualized education program, or otherwise the responsibility of the Board.
5. **“Deidentified information”** means any information that has been altered to prevent the identification of an individual student.
6. **“Eligible student”** means a student who has reached 18 years of age.
7. **“Student-generated content”** means materials created by a student, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, or photographs. “Student-generated content” does not include student responses to a standardized assessment.
8. **“Student records”** means any information directly related to a student that is maintained by the school district, the State Board of Education or the Department of Education or any information acquired from a student through the use of educational software assigned to the student by a teacher or other district employee.

“Student records” does not mean any of the following:

- a. Deidentified information, allowed under the contract to be used by the contractor to improve educational products for adaptive learning purposes and for customizing student learning.
 - b. Deidentified information, used to demonstrate the effectiveness of the contractor’s products in the marketing of such products.
 - c. Deidentified information, used for the development and improvement of the contractor’s products and services.
9. **“Online service”** includes Cloud computing services, which must comply with this policy if they otherwise meet the definition of an operator.
 10. **“Student information”** is personally identifiable information regarding a student that in any media or format that is not publicly available that meets any of the following:
 - a. Is created or provided by a student, or the student’s parent or legal guardian, by using an operators’ website, online service, or mobile application (app) for school purposes.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

Definitions (continued)

- b. Is created or provided by an employee or agent of the board of education, to an operator for school purposes.
 - c. Is gathered by an operator through the operation of the operator's Internet website, online service, or mobile application (app) and identifies a student including but not limited to information in the student's educational record or email account, first and last name, home address, telephone number, date of birth, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or behavioral assessments.
11. **"School purposes"** means purposes that customarily take place at the direction of a teacher, or a board of education 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/legal guardians.
12. **"Targeted advertising"** means presenting an advertisement to a student where the selection of the advertisement is based on student information, student records or student-generated content or inferred from the usage of the operator's Internet website, online service or mobile application by such student. It does not include any advertising to a student on a website that the student accesses at the time or in response to a student's response or request for information or feedback.

The Board, through this policy, places restrictions on an "operator" as defined in this policy. An operator shall not knowingly engage in any of the following activities with respect to their internet website, online service or mobile application:

1. Engage in targeted advertising on the operator's site, service, or application, or on any other Internet website, online service or mobile application;
2. Use student information to create a profile of a student for purposes other than the furtherance of school purposes;

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-based Issues (continued)

1. Sell student information, unless the sale is part of the purchase, merger, or acquisition of an operator by a successor operator and the operator and the successor operator continue to be subject to the provisions of this policy regarding student information; or
2. Disclose student information, unless the disclosure is made (a) in furtherance of school purposes of the Internet website, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet website, online service or mobile application and complies with this policy; (b) to ensure compliance with federal or state law; (c) in response to a judicial order; (d) to protect the safety of users or others, or the security of the Internet website, online service or mobile application; or (e) to an entity hired by the operator to provide services for the operator's Internet website, online service or mobile application, provided the operator contractually (i) prohibits the entity from using student information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information provided by the operator to subsequent third parties, and (iii) requires the entity to comply with this policy.

The Board recognizes that an operator may:

1. Use student information (1) to maintain, support, evaluate or diagnose the operator's Internet website, online service or mobile application (app), or (2) for adaptive learning purposes or customized student learning.
2. Use de-identified student information (1) to develop or improve the operator's Internet website, online service or mobile application (app), or other Internet websites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the operator's Internet website, online service or mobile application.
3. Share aggregated de-identified student information for the improvement and development of Internet websites, online services or mobile applications designed for school purposes.

Nothing in this policy shall be construed to:

1. limit the ability of a law enforcement agency to obtain student information from an operator as authorized by law or pursuant to a court order;
2. limit the ability of a student or the parent or legal guardian of a student to download, transfer or otherwise save or maintain student information;
3. impose a duty upon a provider of an interactive computer service, as defined in 47 USC 230, as amended from time to time, to ensure compliance with this section by third-party information content providers, as defined in 47 USC 230, as amended from time to time;

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-based Issues (continued)

4. impose a duty upon a seller or provider of online services or mobile applications to ensure compliance with this policy with regard to such online services or mobile applications;
5. limit an Internet service provider from providing a student, parent or legal guardian of a student or local or regional Board of Education with the ability to connect to the Internet;
6. prohibit an operator from advertising other Internet websites, online services or mobile applications that are used for school purposes to parents or legal guardians of students, provided such advertising does not result from the operator's use of student information; or
7. apply to Internet websites, online services or mobile applications that are designed and marketed for use by individuals generally, even if the account credentials created for an operator's Internet website, online service or mobile application may be used to access Internet websites, online services or mobile applications that are designed and marketed for school purposes.

The Board, upon determination that a request for directory information is related to school purposes, may disclose directory information to any person requesting such directory information. If the Board determines that a request for directory information is not related to school purposes, the Board shall not disclose such directory information.

(cf. 3520.1 – Information Security Breach and Notification)

(cf. 3520.11 – Electronic Information Security)

(cf. 3520.12 – Data-Based Information Management System Confidentiality Policy)

(cf. 5125 – Student Records)

(cf. 5145.15 – Directory Information)

(cf. 6162.51 – Surveys of Students/Student Privacy)

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.

10-209 Records not to be public.

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.

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-based Issues

Legal Reference: Connecticut General Statutes (continued)
Connecticut Public Records Administration Schedule V - Disposition of
Education Records (Revised 1983).
P.A. 16-189 An Act Concerning Student Privacy
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.
Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232g (2014)
Children's Online Privacy Protection Act (COPPA) 15 U.S.C. §§6501 *et*
seq. (2014)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3440 adopted 1/27/09, appropriate as renumbered and with addition of legal reference.

Business/Non-Instructional Operations

Closing of Public School(s) Equipment/Furniture Disposal Procedure

1. Purpose

To provide guidelines for proper accountability and disposition of public school equipment/furniture and educational material no longer needed as the result of the closing of a public school(s).

2. General Comments

At the discretion of the Superintendent of Schools, all equipment/furniture and educational materials which are no longer needed, shall remain in the closing school and be turned over to the Town of Enfield.

3. Procedure

- a. Upon approval by the Enfield Board of Education to close a public school, the Superintendent of Schools, in his/her discretion, shall determine whether or not equipment/furniture and educational materials located in the closing school can be used elsewhere in the school system.
- b. Equipment/furniture and educational materials no longer needed shall remain in the school to be closed and be turned over to the Town along with the closing school.
- c. A complete physical inventory of the returned items shall be conducted with a listing forwarded to the Town.

Legal Reference: Connecticut General Statutes

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

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms that interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff and all others using district buildings and grounds.

The goal of this pest management program is to manage pests in order to:

- Reduce any potential human health hazard and/or to protect against a significant threat to public safety;
- Prevent loss or damage to school structures or property;
- Prevent pests from spreading in the community or to plant and animal populations beyond the site;
- Enhance the quality of life and to provide a safe and healthy learning environment for students, staff and others.

The school district shall incorporate Integrated Pest Management procedures (IPM) to manage structural and landscape pests and the toxic chemicals for their control in order to alleviate pest problems with the least possible hazard to people, property and the environment. In addition, staff, students and the public shall be educated, at least annually, about potential school pest problems and the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard.

IPM procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural or biological means. Chemical controls shall be used as a last resort. The Board establishes that the school district shall use pesticides only after consideration of the full range of alternatives, including no action, based upon an analysis of environmental effects, safety, effectiveness and costs. The Superintendent or his/her designee shall be responsible to implement Integrated Pest Management (IPM) procedures and to coordinate communications with members of the staff who are responsible for pest control, such as maintenance personnel and custodians, and hired contractors when utilized by the district to control a pest problem. *The Maintenance Supervisor/Head Custodian shall be designated as the IPM supervisor and shall direct and supervise all IPM procedures to be carried out by assigned maintenance and/or custodial staff.*

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (continued)

All district employees who use chemicals to control a pest problem must be trained and shall follow all precautions and application regulations. The District will only employ certified pesticide applicators for any necessary and non-emergency pesticide use in school building or on school grounds. Contractors hired to do this work shall give evidence of appropriate training and certification in the proper use of pesticides. Pest control contractors shall be utilized, when deemed necessary, to inspect for conditions conducive to pest problems and to develop appropriate prevention measures. Pest control contractors will be expected to write recommendations for structural improvements or repairs and housekeeping and sanitation measures required to reduce or prevent recurrence of pest problems.

Someone other than a certified pesticide applicator may apply a pesticide in an emergency to eliminate an immediate human health threat when (1) it is impractical to obtain the services of a certified pesticide applicator and (2) a restricted use pesticide is not used.

Whenever it is deemed necessary to use a chemical substance that school must provide notification to all parents and staff who have registered for advanced notification in conformity with state statutes. The District, prior to any application of pesticide within any building or on school grounds shall provide such notice by electronic mail no later than twenty-four hours prior to the pesticide application. Notices shall also be posted in designated areas at school at least (*suggested*) forty-eight (48) hours prior to the application.

At the beginning of each school year and at the time a student is registered, parents/guardians shall be informed of the District's pest management policy. Those parents/guardians and staff who register a request shall be notified prior to every pesticide application. Parents/guardians who have registered for prior notice shall receive a transmittal of notice by electronic mail no later than twenty-four hours prior to such application. Notice shall be given by any means practicable to school staff who have registered for such notice.

The notice shall include:

- The name of the active ingredient of the pesticide being applied.
- The target pest.
- The location of the application on school property.
- The date of the application.
- The name of the school administrator or designee who may be contacted for further information.

On or after October 1, 2015, the Board of Education is required to post notice of pesticide application not less than twenty-four hours prior to the application on or through the (1) home page of the school's website where the application will occur, or in the absence of a school's website, on the District's website; and (2) the primary social media account of the school or Board of Education.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (continued)

The District's website must indicate how parents/guardians may register for prior notice of pesticide application.

Not later than March 15 of each year, a notice of applications made since January first of such year, and a listing of such notices for applications made during the period March 15th through December 31st time frame from the preceding calendar year shall be sent through the District's electronic mail notification or alert system. This notification is for those parents/guardians who previously registered for prior notification of pesticide applications.

The District is also required to print the above required electronic mail notification in the applicable parent handbook. (The law, C.G.S. 10-231c, as amended does not require the reprinting of the handbook to provide the notification or the development or use of a website, social media account or electronic mail notification or alert system not already in use or existence prior to October 1, 2015.)

Information regarding pesticides used and areas treated shall be maintained for a period of five years at the school site and available to the public and staff upon request. The district shall establish and maintain accurate records of all chemical use and their location. In addition, records of all pest control actions including information on indicators of pest activity that can verify the need for action.

Pesticide applications shall be limited to non-school hours and when activities are not taking place.

The application of lawn care pesticides on the grounds of any schools with students in grade eight or lower, except on an emergency basis, must be according to an integrated pest management plan (IPM). An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools, subject to applicable Connecticut statutory and regulatory provisions.

Legal Reference: Connecticut General Statutes

10-231b Pesticide applications at schools: Authorized applicators.
Exception. (as amended by P.A. 09-56)

10-231c Pesticide applications at schools without an integrated pest
management plan. (as amended by June 2015 Special Session PA 15-5)

22a-46 Short title: Connecticut Pesticide Control Act.

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application

Legal Reference: Connecticut General Statutes (continued)

22a-54 Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators.

22a-58 Records to be kept by distributors and applicators.

23-61b Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

P.A. 09-56 An Act Concerning Pesticide Applications at Child Day Care Centers and Schools.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code 136 et seq

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new regulation.

Business and Non-Instructional Operations

Hazardous Materials in Schools

Pest Management/Pesticide Application

In determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of Integrated Pest Management (IPM). The Superintendent or his/her designee shall ensure that the District follows Integrated Pest Management procedures so as to use the most appropriate and least toxic method of control.

Procedures shall include the following:

1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be taken.
2. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
3. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property or the environment.
4. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with EPA registered label directions.
5. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff. Such storage and any disposal of the pesticide shall be in accordance with EPA - registered label directions.
6. Staff, students and parents/guardians shall receive information about the District's Integrated Pest Management policy and procedures and notification of any upcoming pesticide treatments. The notice of pending pesticide application must take place not later than twenty-four hours prior to such application by posting the notice either on or through the website of the school where such application will occur or on the District website in the absence of a school website and the primary social media account of the school or District. Also to be posted on the District's website is how parents/guardians may register for prior notice of pesticide applications. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or his/her designee.
7. The following records shall be maintained at each school site:
 - a. Records of pesticide use at the site for a period of five years.
 - b. Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.

Business and Non-Instructional Operations

Hazardous Materials in Schools

Pest Management/Pesticide Application (continued)

8. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of Integrated Pest Management (IPM). Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and eliminate routine spraying.
9. Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides and to eliminate routine spraying.
10. An emergency application of pesticides is defined as when an application of pesticides is necessary to eliminate an immediate threat to human health and where it is impractical to obtain the services of a certified pesticide applicator provided such emergency application does not involve a restricted use pesticide as defined in CGS 22a-47. Restricted use pesticides may be used only by certified applicators or under their direct supervision. *(Note: Restricted use pesticides, classified by the Federal Environmental Protection Agency or the DEP are those which may present a hazard to the applicator or other people by reason of acute dermal or inhalation toxicity or which may have an unreasonable adverse effect on the environment.)*
11. At the beginning of each school year, the Board of Education shall provide the staff of each school and the parents/guardians of each child enrolled in each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statements and descriptions shall also be provided to the parents/guardians of any child who transfers to a school during the school year.
12. The aforementioned required statement shall indicate to staff, parents and guardians that they may register for prior notice of school pesticide applications. Further, the emergency notification procedures to be used will be described.
13. Parents/guardians and staff may register for prior notice of pesticide applications. Each school shall maintain a registry of persons requesting such notice. Prior to the application of pesticides within any building or on school grounds, persons who have registered for prior notice shall be notified not less than twenty-four hours prior to any pesticide application by posting the notice either on or through the school's website where the application will occur, or on the District's website if the school does not have one, and the primary social media account of the school or District. The District's website must indicate how parents may register for prior notice of pesticide applications by any means practicable on or before the day that any application of pesticide is to take place at a school.

Business and Non-Instructional Operations

Hazardous Materials in Schools

Pest Management/Pesticide Application (continued)

14. The aforementioned notice shall include the (1) name of the active ingredient of the pesticide to be applied, (2) the target pest; (3) location of the application on school property, (4) date of application, (5) the name of the school administrator or his/her designee who may be contacted for further information.
15. No application of pesticide may be made in any building or on school grounds during regular school hours or during planned activities at the school except an emergency application, subject to applicable Connecticut statutory and regulatory provisions.
16. If an emergency application is necessary to eliminate an immediate threat to human health, such application shall not involve a restricted use pesticide and no child may enter the area of such application until it is safe to do so according to the provisions on the pesticide label.
17. In cases of an emergency application, prior notice is not necessary except that on or before the day the application is to take place, prior notice is given to those persons who have previously requested such notice.
18. The application of lawn care pesticides on the grounds of schools with students in grade eight or lower must be according to an integrated pest management plan (IPM). Such application is prohibited except in emergencies. An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools.
19. Annually, not later than March 15, the District is required to send through its electronic mail notification or alert system a listing of notices for application of pesticides made during March 15th through December 31st from the preceding calendar year and those made from January 1st. This electronic mail notification is also to be printed in any applicable parent handbooks or manuals.

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3545.1 adopted 2/22/11, appropriate as renumbered, and with update to legal reference.

Business/Non-Instructional Operations

Transportation of Students

I. Transportation of Students

The Board of Education will provide transportation for students under provisions of state law and regulations. The Superintendent of Schools shall administer the operation.

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. Parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient.

Transportation will be provided to/from a student's care provider (daycare, or responsible adult) at a bus stop near the provider's location only if the provider is located within the student's assigned school district based on the student's legal residence and within the area served by the school. Transportation to a care provider outside a school's service area will not be provided by the Enfield Public School System.

A. Eligibility

Resident public and private nonprofit school students living outside of the defined walking limits (subparagraph 1. below), based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas, will be furnished transportation by the Board of Education. Students will be eligible for school transportation if one or more of the following criteria are present:

1. The walking distance for the student, either to school or to the nearest bus stop, is in excess of the following distances:
 - a. For students enrolled in grades K through 2, up to one (1) mile;
 - b. For students enrolled grades 3 through 5 one and one quarter (1.25) miles;
 - c. For students enrolled in grades 6 through 12, one and one half (1.5) miles.
2. The walking route does not exceed the limits set forth in subparagraph 1. above, but presents hazardous conditions (described in Section II below) which the Board cannot reasonably eliminate or adequately abate.

Business/Non-Instructional Operations

Transportation of Students (continued)

II. Hazardous Conditions

A. Descriptions

1. A street or road having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
 - a. For students enrolled in grades K through 2, absence of pedestrian crossing light or crossing guard where three or more streets intersect, and at street crossing where there are no stop signs or crossing guards and the traffic count during the time that students are walking to or from school exceeds sixty vehicles per hour at the intersection;
 - b. For students enrolled in grades 3 through 12, the absence of a traffic light or stop signs or crossing guard where three or more streets intersect and has a traffic count which exceeds ninety vehicles per hour during the time that students are walking to or from school;
 - c. For all students, any street, road, or highway with speed limits in excess of forty miles per hour which do not have pedestrian crossing lights or crossing guards or other safety provisions at points where students must cross when going to or from school or the bus stop;
 - d. For all students, the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking entrances at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
2. Any street, road, or highway, which has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
 - a. For students enrolled in grade K through 2, any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that students are walking to or from schools;
 - b. For all students, the presence of man-made hazards inducing attractive nuisances, as stated in number d. above;
 - c. For all students any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet;

Business/Non-Instructional Operations

Transportation of Students

II. Hazardous Conditions

A. Descriptions (continued)

- d. For all students any roadway available to vehicles when plowed free of snow accumulations, that does not have a minimum width of approximately twenty feet; and
 - e. For students enrolled in grades K through 2, any street, road, or highway possessing speed limits in excess of thirty miles per hour.
3. Any street, road, or highway which has no sidewalks or raised walk areas shall be deemed hazardous when the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Connecticut Department of Transportation, Division of Design.
4. Any walkway, path or bridge in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between students and the track; and any crossing of railroad tracks that carry moving trains during hours that students are walking to or from school shall be deemed hazardous unless, (1) a crossing guard is present or (2) an automatic control bar is present at crossings used by students in grades K through 2, or a bar or red flashing signal light is operational when the crossing is used by students in grades 3 through 12.
5. A lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the student and the water for students in grades K through 2.
6. Any area adjacent to a roadway, sidewalk, or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes, the absence of a fence or other suitable barrier shall be deemed hazardous for students in grades K through 2.
7. Any street, road, walkway, sidewalk, or path designated as a walking route for all school students which pass through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when students ordinarily walk to or from school shall be deemed hazardous.
8. Walking to or from school or the bus stop at any time prior to one half-hour before sunrise or any time one half-hour after sunset shall be deemed hazardous for students in grades K through 5.

Business/Non-Instructional Operations

Transportation of Students

II. Hazardous Conditions (continued)

B. Private Roads

These guidelines are applicable to private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.

III. Exceptions

- A. The Enfield Board of Education may grant exceptions to any provision of this guideline when in reasonable judgment the peculiar conditions or combination of conditions eliminate or significantly mitigate any substantive risk to student safety implied by a described hazard. The Enfield Board of Education may grant exceptions to any provision of this guideline when in its reasonable judgment particular conditions or combinations of conditions create a hazard not described.
- B. The Superintendent may grant temporary exceptions to ineligibility of students when in his/her reasonable judgment a temporary hazard exists (e.g., construction affecting a walking route). The Superintendent will communicate transportation conditions and arrangements to the parents or legal guardians of each student affected and will provide the Board with current information regarding the status of each case.
- C. Special Education students and students eligible for services under Section 504 of the Rehabilitation Act shall be judged on an individual basis.

IV. Definitions

- A. *School transportation* means the procedure, program, or fully effective and implemented plan by which a student is conveyed to and/or from school from his/her residence or the bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved by the municipality or private roads approved pursuant to C.G.S. Section 10-220C.
- B. *Walking distance* means the linear measure of a prescribed or authorized pedestrian route between the student's residence and his/her school from a point at the curb or edge of a public or private road nearest the student's residence to a point at the entrance of the school or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus stop pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Enfield Board of Education.

Business/Non-Instructional Operations

Transportation of Students

IV. Definitions (continued)

- C. *One mile walking distance* means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet but not more than 5,380 feet.
- D. *Grade K* means kindergarten or a school program appropriate to a beginning student.
- E. *Hazard* means a thing or condition, as prescribed in these guidelines, affecting the safety of students walking to and from school.
- F. *Sidewalk* means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
- G. *Raised walk area* means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
- H. *Student* means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

Legal Reference: Connecticut General Statutes
10-186 Duties of local and regional boards of education
10-220 Duties of boards of education
14-275 Equipment and color of school buses
14-275a Use of standard school bus required, when.
14-275b Transportation of handicapped students.
14-275c Regulations re school buses and motor vehicles used to transport special education students.
14-276a (c) Town/school district may require its school bus operators to have completed a safety training course.
14-280 Letters and signals to be concealed when not used in transporting children. Signs on other vehicles.
20 U.S.C. NCLB Act of 2001, P.L. 107-110, Title I, Section 1116
McKinney-Vento Homeless Education Assistance Act of 2001, P.L. 107-110, 42 U.S.C., Sections 11431-11435

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3541.2 adopted 1/2/09, appropriate as renumbered, and with addition of legal reference.

Business/Non-Instructional Operations

Bus Transportation – Safety/Operability Responsibilities

Bus Contractor

Two weeks prior to school opening, the bus contractor will submit to the Superintendent of Schools written confirmation of:

Equipment

1. Buses assigned.
2. Inspection sticker affixed to every bus.
3. Inspection report which lists safety related equipment, certifies safety of bus, signed off by State MVD Inspector and contractor's inspector (three (3) copies for Administration and Board of Education, one (1) copy prominently displayed in bus; any equipment which is marginal will be so noted for specific follow-up date).
4. Agreement regarding unlisted bus temporarily pressed into Enfield service: One (1) day service – confirmation of bus safety will be orally communicated to Administration; excess of one (1) day service – by second day, safety documentation must be delivered to Administration.
5. The fact that 10% of Enfield buses will be subject to surprise inspection each month and that the contractor will be responsible for replacement transportation to assure uninterrupted service.
6. Preventive Maintenance Manual and Schedule for the buses used in Enfield. The manual will contain, as a minimum, a list of all items to be checked, the frequency of the checks, the acceptance/rejection criteria for each item to be checked, the action taken if an item is rejected, and forms for recording the above.
7. A schedule which shows which buses are to be in for preventive maintenance inspection each week. The contractor will maintain a record file for each bus containing the preventive and reactive maintenance report for that bus. These files will be subject to audit to insure their compliance with the Preventive Maintenance Manual.
8. The Administration will request the State Department of Motor Vehicles to review and comment as to the adequacy of the Preventive Maintenance Manual. The Administration will ask the Department of Motor Vehicles to audit the contractors maintenance records. If the Department of Motor Vehicles is unable to perform the audits, the Administration will perform the audits.

Business/Non-Instructional Operations

Bus Transportation – Safety/Operability Responsibilities (continued)

Operators

1. Position descriptions' which emphasizes proven experience and responsibility as a driver and as a person who has worked effectively with young people.
2. Names of drivers assigned to Enfield buses.
3. Profile on each driver as related to Position Description.
4. Certification from each driver regarding profile, code of conduct, training, rules of operation, route awareness, and reporting responsibility* for equipment operability.
*E.g., driver required to turn in a "condition of bus" report at end of each day, which is filed for review by Administration upon demand.
5. Agreement regarding substitutes: One (1) day service, confirm profile orally to the Administration. In excess of one (1) day service – by second day, documentation must be delivered to Administration.

Administration

The Superintendent of Schools will:

1. Within sixty (60) days of approval, present to the Board of Education an administrative regulation defining by specific title who is specifically responsible for, but not limited to, each of the following: safety, discipline, driver management, maintenance review, and scheduling.
2. Develop reporting procedures which encourage direct contact on a timely basis between the Administration and the Board of Education, the Administration and the parents/students, and the Administration and drivers.
3. Provide written reports to the Board of Education on all accidents or near misses within a week. (Information to be received from bus contractor, citizens and/or parents.)
4. Develop guidelines for School Principals, which provide for maximum responsiveness to concerns of drivers, parents, and students. Concerns, which relate specifically to bus safety must be documented by the Principal and relayed to the Administration. The authority and responsibility of the Principal and Administration regarding disposition of safety concerns should be clearly established by the Superintendent of Schools.
5. Include in Board calendar an agenda item on bus safety/operations prior to school opening, within one month thereafter, and at least one additional period as appropriate.

Business/Non-Instructional Operations

Bus Transportation – Safety/Operability Responsibilities (continued)

Legal Reference: Connecticut General Statutes

14-1(i) Motor vehicles: definitions. (as amended by P.A. 12-81)

14-212 (8) Definitions - “Student transportation vehicle.” (as amended by PA 10-110)

14-212 (2) Definitions - “Carrier.”

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators.

14-276 to 14-279 re: school bus operators et. al.

PA 07-224 An Act Concerning Operator’s Licenses Bearing a School Bus Endorsement.

Declaratory Ruling, Nov. 16, 2007 - Robert M. Ward, Commissioner, DMV

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing regulation, presently numbered 3545.2 adopted 8/26/09, appropriate as renumbered, and with addition of legal reference.

Business/Non-Instructional Operations

Non-Resident Students Attending Non-Public Schools in Enfield

Non-resident students attending non-public schools in Enfield will be allowed to ride the school buses of the Enfield Public Schools under the following conditions:

1. That such service may be provided without any additional costs to the Enfield Public School System.
2. That there is room to accommodate such students on school buses presently serving that particular school neighborhood.
3. That the parents of such students sign a Waiver/Agreement as attached to this administrative regulation.
4. That the charge for such transportation will be at the annual rate of \$360.00, per student, per year. If a family has more than one student attending a private school the charge will be the number of students times \$360.00, or, (two dollars per day, per student).
5. That such fees shall be paid for the entire school year in advance, by check payable to Enfield Public Schools, and are non-refundable.
6. That such students shall be held responsible to abide by all the rules, regulations and policies of the Enfield Board of Education and the Enfield Public Schools.
7. That the Enfield Public Schools reserves the right to withhold transportation and/or eliminate such transportation at any time and for any reason.

Each Principal of each public and non-public school in the Town of Enfield will be asked to comply with this regulation by carrying out the following responsibilities:

1. When enrolling non-resident students who request Enfield Public School bus transportation, each Principal must require each parent to sign the Waiver/Agreement and present a check for the balance of the annual cost for transporting said students.
2. The check shall be attached to the Waiver/Agreement and forwarded to the Business Manager for Enfield Public Schools located in the Administrative Offices at the Henry Barnard School.
3. Notify such parents that the busing cost is considered to be non-refundable.

Transportation of Private School Students Out-of-Town

The Board of Education is not obligated to provide transportation to private/parochial students attending school outside the district's boundaries. However, these students may be eligible for bus transportation under the following conditions:

1. A bus is currently transporting public school students to the town in which the private/parochial student is enrolled in school. Under no circumstances will a request be considered if there is no current transportation of public school students to that town or if that transportation is eliminated.

Business/Non-Instructional Operations

Non-Resident Students Attending Non-Public Schools in Enfield (continued)

Transportation of Private School Students Out-of-Town

2. Seats are available on the bus. In the event public student numbers on that bus increases, private/parochial students may be bumped from the bus to accommodate the public school students. Bumping will occur on a “last one on, first one off” basis.
3. The bus will not alter its calendar for operating/scheduling, extend its route, or make additional stops along its route to accommodate private/parochial students. These students will need to board and exit the bus at the predetermined stops on the days that it is operating and scheduled.
4. Riding is a privilege. Misconduct may result in the loss of that privilege.
5. Seat availability for private/parochial students will be made after the placement of all public school students. Seat availability will be on a first come first serve basis for private/parochial students. If the bus fills to capacity, no additional bus will be brought into service to accommodate private/parochial school students.
6. In the event this policy is challenged, the Board of Education may elect not to enter into litigation to defend it.
7. All applicable bus rules and regulations will apply to these students.
8. In the event the student is requesting a seat on a special education vehicle, the Director of Pupil Services must approve the request, after considering its effect on the handicapped students being transported.
9. The Board of Education retains the sole and exclusive authority to rule on appeals to this policy. The Board’s decision shall be final and binding.
10. Requests for transportation of private/parochial school students out-of-town should be made through the transportation office.
11. Parents of private/parochial students will be required to sign a statement agreeing to the conditions set forth in this policy as a term of their child riding the bus.

Legal Reference: Connecticut General Statutes
 10-280a Transportation for students in non-profit private schools outside
 school district.
 10-281 Transportation for students in non-profit private schools within
 school district.

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Business/Non-Instructional Operations

Records and Reports

Transportation Complaints

All complaints concerning school transportation safety will be made to the Superintendent's Office. The Superintendent's Office will maintain a written record of all such complaints, and will conduct appropriate investigations of the allegations.

The Superintendent will provide the Commissioner of Motor Vehicles with a copy of the written record of complaints within thirty (30) days of the end of the school year.

Legal Reference: Connecticut General Statutes

10-221c Development of policy for reporting complaints re school transportation safety.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

**TRANSPORTATION SAFETY COMPLAINT FORM
SCHOOL BUSES**

**ENFIELD PUBLIC SCHOOLS
Safety and Transportation Coordinator
1010 Enfield Street
Enfield, CT 06082**

Date of Incident: _____ Time: _____

Location of Incident _____

Bus or License Plate Number: _____

Driver's Name _____

Weather Condition: _____

Nature of Complaint:

Reported by (Please print): _____

Signature: _____

Address: _____

Names of Additional Witnesses	Address

Following is for office use only:

Action taken: _____

A new policy to consider.

Business/Non-Instructional Operations

Transportation: Bus Drivers

The Superintendent or his/her designee will approve all bus drivers annually and/or upon initial employment following certification by the bus contractor that each driver is in all respects qualified to drive a school bus. Contracts for transportation approved by the District shall contain assurance that the contractor will establish a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991, requiring a school bus drivers' drug and alcohol testing program.

The Superintendent will require each regular driver to participate in a one-hour safety program each month. Whenever practical, substitute bus drivers will also be required to participate in first aid training.

Drug and Alcohol Testing For School Bus Drivers

The Board of Education is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991, as may be amended.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Legal Reference: United States Code, Title 49
 2717 Alcohol and controlled substances testing (Omnibus Transportation
 Employee Testing Act of 1991)
 Code of Federal Regulations, Title 49
 40 Procedures for Transportation Workplace Drug and Alcohol Testing
 Programs
 382 Controlled Substance and Alcohol Use and Testing
 395 Hours of Service Drivers
 Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540.
 International Brotherhood of Teamsters v. Department of Transportation
 932 F. 2d 1292 (1991)
 American Trucking Association, Inc. v. Federal Highway Administration,
 (1995) WL 136022 (4th circuit)
 Connecticut General Statutes
 PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain
 Commercial Motor Vehicle.
 10-220 Duties of boards of education
 Regulations of the Commissioner of Motor Vehicles 14-275-32
 United States Code, Title 49; Omnibus Transportation Employee Testing
 Act of 1991

Policy adopted:

ENFIELD PUBLIC SCHOOLS
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 3545 adopted 2/24/09, appropriate as renumbered, and with addition of legal reference.

Business/Non-Instructional Operations

Transportation of Students

Misbehavior on School Buses

For misbehavior on the school bus, a student may be denied this transportation. Bus students are entitled to be free from annoyance of disturbers, and as well, to be protected from injury which may result in consequence of the misconduct of a student during transportation. The school bus driver or officials of the bus company must report all cases of such serious misconduct to the school administration. Transportation may be denied the offender in the following manner:

The school Principal may deny such transportation up to a total of five days, until the student gives evidence of reform; and/or the Superintendent may do so up to a period of ten days. Such removal shall be immediately reported to the parent, in writing, and a copy of this letter shall be kept on file in the office of the Superintendent of Schools. No student shall be permanently excluded from riding on the school bus (when otherwise entitled to do so) except by order of the Board of Education.

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Food Service

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 Enfield 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 Enfield 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.

Business/Non-Instructional Operations

Food Service

Food Service Personnel - Code of Conduct (continued)

Enfield 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 Enfield 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 aggrieved 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.

Business/Non-Instructional Operations

Food Service

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.

Business/Non-Instructional Operations

Food Service

Legal Reference: Connecticut General Statutes (continued)
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

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Reduced Price and Free Lunches

The Enfield Board of Education participates in the National School Lunch Program, the School Breakfast Program and the Special Milk Program and accepts responsibility for providing Free and Reduced Price Meals and Free Milk to eligible children.

The Enfield Board of Education agrees to abide by all present and subsequent regulations that are applicable to the above programs.

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Non-public school participation in feeding program

10-215b Duties of State Board of Education re feeding program

10-215b-1 Competitive foods

10-216 Payment of expenses

State Board of Education Regulations

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 Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program

The Superintendent of Schools or his/her designee shall establish such administrative procedures to control food sales which compete with the District's non-profit food service in compliance with federal and state statutes and regulations.

Specifically, the food service program shall restrict the sale of foods of minimal nutritional value as defined by the U.S. Department of Agriculture, Connecticut State Regulations and State Department of Education annual nutrition standards in the food service areas during the meal periods, in compliance with the timeframes and criteria meeting federal and state regulations.

The Board shall make available in District schools for purchase by students nutritious and low-fat foods which shall include, but shall not be limited to, low-fat dairy products and fresh or dried fruit at all times when food is available for purchase during the regular school day in schools.

The sale of beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias and any fund-raising activities on school grounds, whether or not school-sponsored, shall be restricted to milk, non-dairy drinks such as soy or rice milk, 100% fruit juices, vegetable juices or combination of such juices, beverages that contain only water or vegetable juice and water. All allowed beverages must fulfill the requirements specified in Connecticut statute regarding artificial sweeteners, flavoring, caffeine and portion size.

Legal Reference: 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)
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 Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)
Connecticut General Statutes
10-215e Nutrition standards for food that is not part of lunch and breakfast program
10-215f Certification that food meets nutrition standards
10-221p Boards to make available for purchase nutritious low-fat foods and drinks
10-221q Sale of beverages
PA 06-63 An Act Concerning Healthy Food and Beverages in Schools
Regulations of Connecticut State Agencies – 10-215b-1 Competitive foods
Regulations of Connecticut State Agencies – 10-215b-23 Income from the sale of food items

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Printing and Duplicating Copyrighted Material

Photocopying, Computer Software Duplication, and Videotaping for Education Purposes

This policy is intended to mandate restrictions on illegal violations of the fair use doctrine so as to ensure that teacher behavior within these areas of the instructional process is legal and ethical.

The Board of Education recognizes that it is illegal for anyone to duplicate copyrighted printed, audio or visual materials, and computer software unless copying falls within the bounds of fair use. Any duplication of copyrighted materials by District employees, therefore, must be done with permission of the copyright holder or within the bounds of "fair use" as described below. Appropriate administrative regulations shall provide guidelines for employee compliance with this policy.

1. Copyright Law

"Congress shall have the power to promote the progress of science and the useful arts by securing to authors and inventors for limited times the exclusive right to their writings and inventions." (Article I., Section 3, U.S. Constitution)

The following exclusive rights are enumerated by law:

- a. To reproduce the copyrighted work...;
- b. To prepare derivative works based upon the copyrighted work;
- c. To distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- d.Perform the copyrighted work publicly; and
- e.To display the copyrighted work publicly (17USC106).

2. Fair Use Doctrine

In describing the purpose of "fair use," Congress specifically mentions education and permits certain uses of copyrighted material without the copyright holder's permission provided that four criteria are used to consider when determining if the classroom use is "fair." These four criteria are:

- a. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- b. The nature of the copyrighted work;
- c. The amount and substantiality of the portion used in relation to the copyrighted works as a whole; and
- d. The effect of the use upon the potential market for or value of the copyrighted work (17USC107).

Business/Non-Instructional Operations

Printing and Duplicating Copyrighted Material

Photocopying, Computer Software Duplication, and Videotaping for Education Purposes (continued)

The exclusive rights and fair use doctrine are the same for computer software, and copyrighted television programs as is for other copyrighted works.

(cf. 6162.6 - Use of Copying Devices)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy.

Business/Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

I. Policy

The Board of Education (the “Board”) complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and destruction of electronic information and the dissemination of such administrative regulations to all employees.

II. Use of E-Mail and Electronic Communications

The Board of Education provides computers, a computer network, including Internet access and an e-mail system, as well as any electronic devices that access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc., (including but not limited to, personal laptops, Smartphones, network access devices, Kindles, Nooks cellular telephones, radios, Walkmen, CD players, I-Pads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, I-Phones, Androids and other electronic signaling devices), (referred collectively as “the computer systems”), in order to enhance both the educational opportunities for our students and the business operations of the district.

Electronic messages sent by school officials and employees as part of their work and/or by using the District’s computer network are not private communications and are potentially subject to disclosure. Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and may do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. *The system’s security aspects, message delete function and personal passwords may be bypassed for monitoring purposes.* Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District’s computer systems, including any incidental personal use permitted in accordance with the Board’s policy and regulations regarding computer use by employees.

Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval. Consequently, employees should use discretion when using computers or other electronic technology to send, record or retain electronic communications and information.

Business/Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention (continued)

III. Retention of Electronically Stored Information

Electronic communications on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

In addition to the retention guidelines established by the Board and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

Legal Reference: Connecticut General Statutes
 The Freedom of Information Act.
 1-15 Application for copies of public records.
 1-200 Definitions.
 1-210 to 1-213 Access to public records.
 1-211 Access to computer stored records.
 1-214 Public contracts as part of public records.
 1-225 to 1-240 Meetings of public agencies.
 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.
 10-221 Boards of education to prescribe rules.
 11-8a Retention, destruction and transfer of documents.
 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
 31-48d Employers engaged in electronic monitoring required to give prior notice to employees.
 46b-56 (e) Access to Records of Minors.

Business/Non-Instructional Operations

Office Services/Records and Reports

Legal Reference: (continued)

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

General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.

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.).

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

Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing regulation, presently numbered 4118.7 approved 5/12/15, appropriate as renumbered, and with update to legal reference.

Business/Non-Instructional Operations

Retention of Electronic Records and Information

I. Records Custodian

These regulations are designed to assist in implementation of Board Policy 4118.5 regarding the retention of electronic records and information. These regulations supplement and do not replaced District policy relating to education records.

The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the retention of records, including e-mails and electronically stored information.

II. Definitions

- A. **E-mail** is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.
- B. **Electronically stored information** is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.
- C. **Public Records** are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any method.
- D. **Digital Imaging** is the process of converting original records on paper or film into electronic images. The process typically requires a document scanner or digital camera, a computer and software to capture the image, and indexing of the digitized images.

III. E-Mail Classification

The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

Business/Non-Instructional Operations

Retention of Electronic Records and Information

III. E-Mail Classification (continued)

Further guidance on the retention of e-mail messages sent and received by school officials is provided by classifying e-mails into one of three categories. Retention guidelines for each of these categories are as follows:

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| Transitory | Transitory messages are not essential to the fulfillment of statutory obligations or to the documentation of District functions. Employees and Board elected officials who receive or retain transitory communications may delete them at will without obtaining prior approval from the Records Custodian. |
| Less than Permanent | Messages other than transitory messages may fall into the category for less than permanent or permanent retention based on the District records policy. Follow the retention period for equivalent hard copy records as specified in the District's records retention guidelines. The retained record must be in hard copy or in an electronic format which can be retrieved and interpreted for the retention period. When there is doubt over the retrievability of an electronic record during the duration of that record's retention of an electronic record during the duration of that record's retention, the record should be printed out. Electronic records falling into the Less than Permanent category may be deleted <u>only after making and retaining a hard copy or after obtaining signed approval from the Office of the Public Records Administrator</u> . Either the hard copy or the electronically stored information must be retained for the minimum retention period as set out in the Municipal Records Retention Schedules. |
| Permanent | Records must be retained permanently. The electronic record may be deleted after a hard copy printout is made or after it is stored as microfilm that meets microfilm standards issued in General Letter 96-2 of the Public Records Administrator. The retained information must be readable without further decoding. |

IV. Digital Imaging of Paper/Hard Copy Records

Paper records may be digitized and maintained as electronic records pursuant to the following guidelines.

Business/Non-Instructional Operations

Retention of Electronic Records and Information

IV. Digital Imaging of Paper/Hard Copy Records (continued)

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|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent | If records are to be retained permanently or have been designated as archival, they may be digitally scanned and retained in an electronic format, but security copies of the records must be retained in a “human-readable” format, such as paper or microfilm. The Records Custodian must first verify with the Office of the Public Records Administrator for approval of the security copy storage format. |
| Less than Permanent | These records may be transferred to a digital imaging format with disposal of the original, paper records. To dispose of the original records following their digital imaging, the Records Custodian must first obtain prior authorization from the Public Records Administrator and State Archivist (using Form RC-075.1, available from the Office of the Public Records Administrator). Following destruction of the original records, the Records Custodian must document that the paper records were destroyed lawfully. |

All digitized images of records must be indexed to ensure their proper identification and later retrieval. A backup copy of the digital images shall be stored in a location that is geographically separate from the location where the original digital images are stored. As with paper records, digital images of records shall be retained for the minimum retention period as specified for the records retention scheduled currently in effect. Should Cloud Storage be utilized for the storage of digital images or electronic information, the service agreement with the provider must contain a provision that ensures any data or records remain the legal property of the Board of Education.

To dispose of digital images once the minimum retention period has expired, the Records Custodian shall obtain prior authorization from the Public Records Administrator and State Archivist. Digital images must be destroyed in a manner that ensures that any confidential or sensitive information cannot be practically read or reconstructed. Recorded media that has been used for electronic records containing confidential information shall not be reused.

Business/Non-Instructional Operations

Retention of Electronic Records and Information (continued)

V. Retention of Electronic Records

E-mail and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

The Records Custodian will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected District employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

1-15 Application for copies of public records.

1-200 Definitions.

1-210 to 1-213 Access to public records.

1-211 Access to computer stored records.

1-214 Public contracts as part of public records. 1-225 to 1-240 Meetings of public agencies.

7-109 Destruction of documents.

Business/Non-Instructional Operations

Retention of Electronic Records and Information (continued)

Legal Reference: Connecticut General Statutes (continued)

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.

10-221 Boards of education to prescribe rules.

11-8a Retention, destruction and transfer of documents.

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

31-48d Employers engaged in electronic monitoring required to give prior notice to employees.

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

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

General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.

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.).

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

Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments)

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

NOTICE REGARDING A LITIGATION HOLD
CONCERNING PAPER AND ELECTRONIC DOCUMENTS

This memorandum places a "litigation hold" on all documents, both paper and electronically stored information, concerning **[identify the matter that is subject to the litigation hold]**. Materials that fall under this litigation hold include, but are not limited to, e-mail, word processing documents, spreadsheets, databases, calendars, voice mail, internet usage files and network access information **[the school district can be more specific in the identification of documents if that information is available]**. All District employees are to immediately suspend any and all document destruction, including any scheduled document destruction or electronic information deletion programs, for any materials that might fall within the parameters of this memorandum. If you have questions as to what materials are subject to the litigation hold, you are to contact the Records Custodians **[insert name and contact information]**.

If in possession of materials subject to this litigation hold you shall take steps to preserve and store these materials. Paper documents are to be copied and segregated in a separate hard copy file. Electronic information is to be stored in computer folders and saved on the network drive and/or saved to a removable disk which is to be clearly marked and stored in a safe and appropriate location **[the school district can develop its own set of storage guidelines for identified materials]**. Under no circumstances are you to destroy or delete materials, documents or electronic information that might be subject to this litigation hold without the written permission of the Records Custodian.

You must give prompt attention to the issues addressed in this memorandum, specifically the responsibility to identify and preserve documents and electronic information concerning **[the matter that is subject to the litigation hold]**. Serious consequences may result from the failure of District employees to take immediate and reasonable precautions to properly preserve information. Therefore, you must acknowledge your receipt and understanding of this memorandum in writing or via e-mail.

The restrictions put into place by this memorandum are ongoing until you receive notice in a memorandum from the Records Custodian that the litigation hold is no longer in effect. You are encouraged to direct any questions concerning this memorandum to the Records Custodian.

A new policy.

Business/Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Holds on the Destruction of Electronic and Paper Records

The Board of Education (the “Board”) complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and paper records. The Superintendent or his/her designee shall be responsible for implementing administrative regulations concerning the placing of a “hold” on electronic and paper records that may reasonably be anticipated to be subject to discovery in the course of litigation.

All school officials and employees have a duty to preserve all paper records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations to preserve records, including e-mails and electronically stored information, that could potentially be related to any matter that is currently in litigation or may be anticipated to result in future litigation. Such regulations shall identify those individuals responsible for identifying those matters for which records must be preserved as well as developing procedures, with the help of technical staff, for the preservation of electronically stored information.

Legal References: Rules 34 and 45 of the Federal Rules of Civil Procedure

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new regulation.

Business/Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Holds on the Destruction of Electronic and Paper Records

I. Records Custodian

These regulations are designed to assist in implementation of Board Policy #3543.311 regarding holds on the destruction of paper records and electronic information. The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the preservation of paper records and electronically stored information, including e-mails.

II. Holds on the Destruction of Paper Records and Electronic Information

Upon receipt of notice that the District is involved in litigation as a party to a lawsuit, the District is issued a subpoena by a party to a lawsuit in which it is not a party, or if the District receives information that would lead a reasonable person to anticipate the possibility of litigation, the Records Custodian is to immediately take steps to ensure that any paper records and electronically stored information that could be related to the litigation or potential litigation are preserved from deletion or destruction. Actions to preserve records and electronically stored information shall include, but are not limited to, the postponing or canceling of any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notification to employees of a "litigation hold" to prevent the deletion and destruction of documents that might be related to the litigation or potential litigation, and the identification of documents and information that are subject to preservation. This litigation hold triggers the duty to preserve documents, such as transitory messages, that otherwise could be deleted under the District's record retention policy.

The Records Custodian shall issue a "litigation hold" memorandum that specifically describes the types of documents and information that must be preserved and describes how those materials are to be identified, maintained and stored. The memorandum shall specifically state that the duty of preservation is ongoing and that it is the responsibility of employees to continue to identify and preserve relevant documents until notified via a subsequent memorandum that the litigation hold is no longer in effect. All employees who are sent a "litigation hold" memorandum are to acknowledge receipt and understanding of the memorandum in writing, which may be in the form of an e-mail response. A copy of any "litigation hold" memorandum shall to be sent to the District IT department.

Business/Non-Instructional Operations

Office Services/Records and Reports

Electronic Communications Use and Retention

Holds on the Destruction of Electronic and Paper Records

The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the litigation hold, including electronically stored information. He/she shall work with the District's IT personnel to ensure compliance with the litigation hold.

Specifically, the Records Custodian shall determine the types of electronically stored information that exist and where that information is maintained, identify where both identified paper documents and electronically stored information will be stored, and implement procedures to ensure that District employees are complying with the litigation hold. No system wide process for automatic deletion of electronic information will be implemented while a litigation hold is in effect without prior notice to the Records Custodian and verification by the Records Custodian that the deletion process will not destroy documents or information that is subject to a litigation hold. The Records Custodian may need to periodically reissue the "litigation hold" memorandum and will ensure that the "litigation hold" memorandum is provided to new employees who may have access to relevant information. Finally, the Records Custodian shall ensure that all steps taken by the District to identify and preserve relevant information are documented.

Legal References: General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator

Record Retention Schedules Towns, Municipalities and Boards of Education

Rules 34 and 45 of the Federal Rules of Civil Procedure

Silvestri v. General Motors Corp., 271 F.3d 583 (4th Cir. 2001)

Regulation approved:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A newly revised and mandated policy to consider. Boards of education are required to have a policy and procedure pertaining to this topic.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm. *(Alternative language: "to use reasonable restraint or place a student in seclusion to provide a safe environment for students.")*

Definitions

Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary timeout.

School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

SECOND
READING

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Definitions (continued)

Seclusion means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving from which the student is physically prevented from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out. **an exclusionary time out.**

Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

Exclusionary time out means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
 - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
 - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
 - d. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
 - a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
 - i. Conducting or revising a behavioral assessment of the student;
 - ii. Creating or revising any applicable behavioral intervention plan; and
 - iii. Determining whether such student may require special education.
 - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.

Students

Use of Physical Force

Physical Restraint/Seclusion/~~Exclusionary Time Out~~

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. ~~Beginning July 1, 2016,~~ The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
 - a. Record each instance of the use of physical restraint or seclusion on a student;
 - b. Specify whether the use of seclusion was in accordance with an individualized education program;
 - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
 - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
 - a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
 - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

Students

Use of Physical Force

Physical Restraint/Seclusion/~~Exclusionary Time Out~~ (continued)

Required Training and Prevention Training Plan

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. *(Such overview is to be provided by the Department of Education commencing July 1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)*
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2018.

3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Verbal defusing and de-escalation;
 - b. Prevention strategies;
 - c. Various types of physical restraint and seclusion;
 - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
 - e. The differences between permissible physical restraint and pain compliance techniques; and
 - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
 - g. Recording and reporting procedures on the use of physical restraint and seclusion.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out (continued)

Crisis Intervention Teams

For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with student and trained in the use of physical restraint and seclusion.

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team for each school.

Exclusionary Time Out

Not later than January 1, 2019, the Board establishes this portion of this policy regarding the use of an exclusionary time out, as defined in this policy. This policy regarding exclusionary time outs includes, but need not be limited to, the following requirements:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;
4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

Students

Use of Physical Force

Physical Restraint/Seclusion/~~Exclusionary Time Out~~

Dissemination of Policy

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 – Employee Protection)

(cf. 5141.23 – Students with Special Health Care Needs)

(cf. 5144.2 – Use of ~~Exclusionary Time Out Rooms~~)

Legal Reference: Connecticut General Statutes
10-76b State supervision of special education programs and services.10-
76d Duties and powers of boards of education to provide special education
programs and services.
10-236b Physical restraint and seclusion of students by school employees.
(as amended by PA 17-220 and PA 18-51)
46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)
46a-152 Physical restraint, seclusion and use of psychopharmacologic
agents restricted. Monitoring and documentation required.
46a-153 Recording of use of restraint and seclusion required. Review of
records by state agencies. Reviewing state agency to report serious injury
or death to Office of Protection and Advocacy for Persons with
Disabilities and to Office of Child Advocate. (as amended by PA 12-88)
53a-18 Use of reasonable physical force or deadly physical force
generally.
53a-19 Use of physical force in defense of person.
53a-20 Use of physical force in defense of premises.
53a-21 Use of physical force in defense of property.
PA 07-147 An Act Concerning Restraints and Seclusion in Public
Schools.
PA 15-141 An Act Concerning Seclusion and Restraint in Schools.
State Board of Education Regulations Sections 10-76b-5 through 10-76b-
11.

Policy adopted:

cps 7/15
rev 5/16
rev 6/17
rev 11/18

Connecticut State Department of Education
Incident Report of Seclusion (revised July 2018)

Note: Any use of seclusion is to be documented in the child's educational record and, if appropriate, in the child's school health record. An Incident Report of Seclusion is required and should be completed as soon after the incident as possible or within 24 hours of the incident. Parents/guardians must be notified in writing within 24 hours of the incident. Notification should include the information documented on the incident report.

Seclusion means the involuntary confinement of a student in a room, from which the student is physically prevented from leaving. "Seclusion" does not include an exclusionary time out.

District Information

School District: _____ Address: _____ Phone: _____

School: _____ Address: _____ Phone: _____

Date of Seclusion: _____ Date of Report: _____

Person preparing the report: _____

Time seclusion initiated _____ Time seclusion ended _____ Total time of seclusion _____ *

*If the total length of the seclusion exceeds 15 minutes, attach the documentation of the required Administrator's (or designee) determination of the need for continuation of the seclusion to prevent immediate or imminent injury to the student or to others.

Student Information

Student's Name: _____ SASID #: _____ Date of Birth: _____

Age: _____ Gender (M /F): _____ Grade: _____ Race: _____ Disability: _____

_____ The student is a general education student.

_____ The student currently receives special education services.

_____ The student is being evaluated or considered for eligibility for special education services.

_____ Seclusion was initiated in response to an "emergency".

Staff Information

Name of staff administering seclusion: _____ Title _____

Name of staff monitoring/witnessing seclusion: _____ Title _____

Student activity/behavior precipitating use of seclusion

Describe the location and activity in which the student was engaged just prior to the seclusion:

Describe the risk of immediate or imminent injury to the student secluded or to others that required the use of seclusion: _____

Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency, which necessitated the use of seclusion: _____

Describe the nature of the seclusion: (Was it used as an emergency procedure to prevent immediate or imminent injury to the student or others?): _____

Did the student demonstrate physical distress while in seclusion? ____ Yes ____ No
Indicate times student was monitored for physical distress and if any signs of physical distress were noted: _____

Describe the disposition of the student following the use of seclusion: _____

Was the student injured during the emergency use of seclusion? ____ Yes ____ No
If "yes," complete and attach a **report of injury**.

Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident?

____ Yes (indicate manner) _____
____ No

Was a copy of the incident report sent to parent/guardian within two business days?

____ Yes ____ No

Is a ***PPT meeting required** to review/revise the IEP or discuss additional evaluation or the development/revision of an FBA and or BIP? ____ Yes ____ No

Is a PPT meeting recommended to modify the IEP? ____ Yes ____ No if "yes," indicate date ____

Is a ***meeting required for this general education student**? ____ Yes ____ No
If "yes," indicate date ____

***A PPT meeting or a meeting is required if this incident marks the 4th incident of seclusion within a 20 school-day period.**

Please complete when a student is secluded for a period exceeding 15 minutes.

Public Act 15-141 requires that an administrator, as defined in Section 10-144e of the general statutes, or such administrator's designee, a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Time seclusion was initiated: _____ a.m./p.m.

Time seclusion was terminated: _____ a.m./p.m.

15 minute determination of the necessity of continued seclusion: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued seclusion: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued seclusion: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued seclusion: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

***NOTE:** *"Qualified" is defined as having received required training in the use of seclusion.*

Connecticut State Department of Education
Incident Report of Physical Restraint ~~(revised July 2018)~~

Note: Any use of physical restraint is to be documented in the child's educational record and, if appropriate, in the child's school health record. An Incident Report of Physical Restraint is required and should be completed as soon after the incident as possible or within 24 hours of the incident. Parents/guardians must be notified in writing within 24 hours of the incident. Notification should include the information documented on the incident report.

Physical Restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a child's arms, legs, or head, including, but not limited to, **carrying or forcibly moving a person from one location to another.**

Physical Restraint does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts, and similar devices used to prevent self-injury when the device is part of a documented treatment plan or IEP and is the least restrictive means available to prevent self-injury.

District Information

School District: _____ Address: _____ Phone: _____

School: _____ Address: _____ Phone: _____

Date of Restraint: _____ Date of Report: _____

Person preparing the report: _____

Time restraint initiated _____ Time restraint ended _____ Total time of restraint _____

***If the total length of the restraint exceeds 15 minutes, attach the documentation of the required Administrator's (or designee) determination of the need for continuation of the restraint to prevent immediate or imminent injury to the student or to others.**

Student Information

Student's Name: _____ SASID #: _____ Date of Birth: _____

Age: _____ Gender (M /F): _____ Grade: _____ Race: _____ Disability: _____

_____ The student is a general education student.

_____ The student currently receives special education services.

_____ The student is being evaluated or considered for eligibility for special education services.

_____ Restraint was initiated in response to an "emergency".

Staff Information

Name of staff administering restraint: _____ Title _____

Name of staff monitoring/witnessing restraint: _____ Title _____

Student activity/behavior precipitating use of restraint

Describe the location and activity in which the student was engaged just prior to the restraint:

Describe the risk of immediate or imminent injury to the student restrained or to others that required the use of restraint: _____

Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency, which necessitated the use of restraint: _____

Describe the nature of the physical restraint: (Include the type of hold/restraint and the number of persons required. Was it used as an emergency procedure to prevent immediate or imminent injury to the student or others?): _____

Did the student demonstrate physical distress during the restraint? ____ Yes ____ No

Indicate times student was monitored for physical distress and if any signs of physical distress were noted: _____

Describe the disposition of the student following the restraint: _____

Was the student injured during the emergency use of restraint? ____ Yes ____ No
If "yes," complete and attach a **report of injury**.

Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident?

____ Yes (indicate manner) _____

____ No

Was a copy of the incident report sent to parent/guardian within two business days?

____ Yes ____ No

Is a ***PPT meeting** required to review/revise the IEP or discuss additional evaluation or the development/revision of an FBA and or BIP?

____ Yes ____ No

Is a PPT meeting recommended to modify the IEP? ____ Yes ____ No If "yes," indicate date ____

Is a ***meeting** required for this general education student? ____ Yes ____ No

If "yes," indicate date ____

***A PPT meeting or a meeting is required if this incident marks the 4th incident of restraint within a 20 school-day period.**

Please complete when a student is restrained for a period exceeding 15 minutes.

Public Act 18-51 continues to require that an administrator, as defined in Section 10-144e of the general statutes, or such administrator's designee, a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every 30 minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Time restraint was initiated: ____ a.m./p.m.

Time restraint was terminated: ____ a.m./p.m.

15 minute determination of the necessity of continued restraint: ____ a.m./p.m.

Signature of ***qualified administrator, designee, school health or mental health professional**

30 minute determination of the necessity of continued restraint: ____ a.m./p.m.

Signature of ***qualified administrator, designee, school health or mental health professional**

30 minute determination of the necessity of continued restraint: ____ a.m./p.m.

Signature of ***qualified administrator, designee, school health or mental health professional**

30 minute determination of the necessity of continued restraint: ____ a.m./p.m.

Signature of ***qualified administrator, designee, school health or mental health professional**

***NOTE: "Qualified" is defined as having received required training in the use of physical restraint.**

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

The following sets forth Connecticut law related to the physical restraint and seclusion of persons at risk, which can be found in Public Act 07-157, amending Connecticut General Statutes Sections 46a-150 through 46a-153, 10-76b, and 10-76d and Public Act 15-141. The [] Board of Education mandates compliance with these laws at all times.

I. The following definitions apply to these procedures:

- **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- **School employee** means a teacher, substitute teacher, school administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the board of education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.
- **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.
- **Provider:** A person who provides direct care, or supervision of a person at risk.
- **Assistant Provider or Assistant:** A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider or supervision of a person at risk.
- **Person at Risk:** A person receiving care or supervision in an institution or facility operated by, licensed or authorized to operate by or operating pursuant to a contract with the Departments of Public Health, Developmental Services, Children and Families or Mental Health Addiction Services.
- **Life Threatening Physical Restraint:** Any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

Definitions (continued)

- **Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to carrying or forcibly moving a person from one location to another. **The term does not include:** (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury or an exclusionary time out.
- **Seclusion:** The involuntary confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room, from which the person is physically prevented from leaving. Seclusion does not include an exclusionary time out.
- **Exclusionary Time Out:** The temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

II. Procedures for Physical Restraint of Persons at Risk

No school employee, provider or assistant shall under any circumstance use a life-threatening physical restraint on a person at risk.

No school employee, provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.

Physical restraint of a student or person at risk shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

Monitoring

A school employee, provider or an assistant must continually monitor any student or person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.

A school employee, provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person being restrained.

Documentation and Communication

A school employee or provider must notify the parent or guardian of a student or person at risk of each incident that the person at risk is physically restrained.

The School Administrator/Director of Special Education must be notified of the following:

- a. each use of physical restraint;
- b. the nature of the emergency that necessitated its use; AND
- c. if the physical restraint resulted in physical injury;

After a physical restraint occurs, the following information must be documented in the educational file of the student who was physically restrained:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the restraint;
- c. the duration of the restraint; AND
- d. the effect of the restraint on the person's established behavioral support or educational plan.

III. Procedures for Seclusion of a Student

No school employee shall use involuntary seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.

Seclusion of a student shall never be used as a disciplinary measure or as a convenience.

Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

III. Procedures for Seclusion of a Student (continued)

School employees, providers and assistants must explore all less restrictive alternatives prior to using seclusion. An Individualized Education Program Team ("IEP Team") may not incorporate the use of seclusion into a child's IEP.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion.

Monitoring

A school employee, provider or an assistant must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by direct observation of the student.

A school employee, provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person who is in seclusion.

Documentation and Communication

A school employee, provider must notify the parent or guardian of a student of each incident that the student is placed in seclusion.

The Principal/Director of Special Education must be notified of the following:

- a. each use of seclusion on a student;
- b. the nature of the emergency that necessitated its use;
- c. if the seclusion resulted in physical injury to the student; and

After seclusion occurs, the following information must be documented in the educational file of the student who was placed in seclusion:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the seclusion;
- c. the duration of the seclusion; AND
- d. the effect of the seclusion on the person's established behavioral support or educational plan.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

IV. Exclusionary Time Out

Not later than January 1, 2019, the Board establishes the following requirements regarding exclusionary time outs, which include, but need not be limited to the following:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;
4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

V. Responsibilities of the Superintendent/Director of Special Education

The Superintendent/Director of Special Education, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District and the nature of each instance of physical restraint and seclusion.

The Superintendent/Director of Special Education, or his or her designee, shall report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk.

The Director of Special Education, or his or her designee, must, at each initial IEP Team meeting for a child, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.

VI. Responsibilities of the Connecticut State Board of Education

The State Board of Education shall review the annual compilation of each local and regional board of education and shall produce an annual summary report identifying the frequency of use of physical restraint or seclusion on students and specifying whether the use of such seclusion was in accordance with an individualized education program (IEP) or whether the use of such physical restraint or such seclusion was an emergency. Such report shall be submitted on an annual basis as specified by the Department of Education.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

VI. Responsibilities of the Connecticut State Board of Education (continued)

The State Board of Education and the Commissioner receiving a report of serious injury or death resulting from a physical restraint or seclusion shall report the incident to the Director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, the Child Advocate of the Office of the Child Advocate.

The State Board of Education may regulate the use of physical restraint and seclusion of special education students in the public schools.

The State Board of Education shall adopt regulations concerning the use of physical restraint and seclusion in public schools.

An administrative regulation for consideration.

Students

Use of Physical Force

Physical Restraint/Seclusion

The Board of Education (Board) seeks to foster a safe and positive learning environment for all students. In compliance with law, Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student, where harm to the student or others is immediate or imminent.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the _____ Public Schools. The Board/Superintendent mandates compliance with this regulation and the law at all times. Violations of this regulation by a school employee or other individual working at the direction of, or under the supervision of the Board may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes §10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6).

I. Definitions

- A. **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- B. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- C. **Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; ~~or~~ helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary time out.

Students

Use of Physical Force

Physical Restraint/Seclusion

I. Definitions (continued)

- D. **School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the Board of Education.
- E. **Seclusion** means the involuntary confinement of a student in a room, ~~with or without staff supervision, in a manner that prevents the person from leaving, from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out.~~ ~~Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time out.~~
- F. **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but does not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services. A special education student, ages 18 to 21 inclusive, in a transition program is also covered by these regulations.
- G. **Behavior Intervention:** Supports and other strategies developed by the Planning and Placement Team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.
- H. **Exclusionary Time Out:** A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

Students

Use of Physical Force

Physical Restraint/Seclusion

II. Procedures for Physical Restraint of Students

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. No school employee shall use involuntary physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- C. No school employee shall use physical restraint on a student unless the school employee has received training in accordance with state law and District training plans.
- D. Physical restraint of a student shall never be used as a disciplinary measure, as a convenience, or instead of a less restrictive alternative.
- E. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- F. School employees are barred from placing a student in physical restraint until he or she has received training in its proper use.
- G. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.

H. Monitoring

- a. A trained school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by direct observation of the student, or by video provided the video monitoring occurs close enough for the monitor to provide assistance, if needed.
- b. A trained school employee must regularly evaluate the person being restrained for signs of physical distress. The school employee must record each evaluation in the educational record of the student being restrained.

III. Procedures for Seclusion of Students

- A. No school employee shall use involuntary seclusion on a student except as follows:
 - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
 - 2. as specifically provided for in a student's behavioral plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.

Students

Use of Physical Force

Physical Restraint/Seclusion

III. Procedures for Seclusion of Students

B. Use of Seclusion

1. A school employee may not use seclusion to discipline a student, because it is convenient or instead of a less restrictive alternative.
2. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area.
3. Any room used for seclusion must:
 - a. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
 - b. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
 - c. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
 - d. be free of any object that poses a danger to the student who is being placed in the seclusion room;
 - e. conform by applicable building code requirement and have a door with a lock if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An “emergency,” for purposes of this subsection, includes but is not limited to the following:
 - i. the need to provide direct and immediate medical attention to the student;
 - ii. fire;
 - iii. the need to remove the student to a safe location during a building lockdown; or
 - iv. other critical situations that may require immediate removal of the student from seclusion to a safe location; and

Students

Use of Physical Force

Physical Restraint/Seclusion

III. Procedures for Seclusion of Students

B. Use of Seclusion (continued)

- f. Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room.
- g. The monitoring of students in seclusion is to be done by direct observation from another room or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.
- h. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program (IEP) or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as periodically amended.
- h. ~~Prior to including seclusion in the behavioral plan of a special education student, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for such student in an emergency situation, the PPT shall include the assessment data and other relevant information in the behavioral plan of the student as the basis upon which a decision was made to include the use of seclusion as a behavior intervention.~~
- i. ~~When seclusion is included in the behavioral plan of a special education student and is used as a behavior intervention strategy more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention. At this PPT meeting, the team may consider whether additional evaluations or assessments are necessary to address the behavior of such student and may revise the behavioral plan as appropriate.~~
- i. Any period of seclusion (1) shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment and (2) shall not exceed 15 minutes, except that this may be extended for additional periods of up to 30 minutes each, if the Principal or his/her designee, school health or mental health professional, or board certified behavioral analyst trained in the use of restraint and seclusion determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Such authorization is to be placed in writing. Where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

B. Use of Seclusion (continued)

- j. School employees, must explore all less restrictive alternatives prior to using seclusion for a student as an emergency intervention. ~~unless seclusion is being used pursuant to the behavioral plan of the student.~~
- k. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for students.
- l. School employees are barred from placing a student in seclusion until he/she has received training in its proper use in accordance with state law and/or District-training plans.

IV. Procedures for Exclusionary Time Out for Students

- a. Exclusionary time outs are not to be used as a form of discipline.
- b. At least one school employee shall remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out.
- c. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior.
- d. The exclusionary time out period must terminate as soon as possible.
- e. If the student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

V. Required Meetings

A. Students not Eligible for Special Education (and not being evaluated for eligibility for special education)

- 1. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
 - a. conduct or revise a behavioral assessment of the student;
 - b. create or revise any applicable behavior intervention plan; and
 - c. determine whether such student may require a referral for consideration for special education.

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

V. Required Meetings (continued)

A. Students not Eligible for Special Education

2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

B. Students Eligible for Special Education (and students being evaluated for eligibility for special education)

In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, the student's PPT shall convene to:

1. conduct or revise a functional behavioral assessment ("FBA");
2. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
3. review or revise the student's IEP, as appropriate.

- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

VI. Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
 1. As an emergency intervention to prevent immediate or imminent injury to the student or to others; or
 2. As an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy. (5141.21)

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

VII. Training of School Employees

The Board will provide training to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school paraprofessional and other school employees designated by the school principal and who has direct contact with students. The training shall be provided during the school year commencing July 1, 2017 and annually thereafter.

The training will include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be in a manner and form as prescribed by the State Department of Education.
2. The creation of a plan by which the Board will provide training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.

The plan is to be implemented not later than July 1, 2018.

3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Verbal defusing or de-escalating;
 - b. Prevention strategies;
 - c. Various types of physical restraint and seclusion;
 - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
 - e. The differences between permissible physical restraint and pain compliance techniques;
 - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student; and
 - g. Recording and reporting procedures on the use of physical restraint and seclusion.

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

VIII. Crisis Intervention Teams

Annually, each school shall identify a crisis intervention team. Such team shall consist of any teacher, administrator, school paraprofessional or other school employee designated by the school principal and who has direct contact with students and trained in the use of physical restraint and seclusion.

The Crisis Intervention Team will respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion annually. The Board shall maintain a list of the members of the crisis intervention team for each school.

This policy and procedures is available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

IX. Documentation and Communication

A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documents on the form must include the following:

1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
2. a detailed description of the nature of the restraint or seclusion;
3. the duration of the restraint or seclusion;
4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
5. ~~whether the seclusion of a special education student was conducted pursuant to a behavioral support or educational plan.~~

Students

Use of Physical Force

Physical Restraint/Seclusion

IX. Documentation and Communication (continued)

- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
 - 1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
 - 2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
 - 3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Director of Special Education [or other responsible administrator], or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Director of Special Education [or other responsible administrator], or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
- E. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's behavioral support or education plan.
- F. The Director of Special Education [or other responsible administrator], or his or her designee, must be notified of the following:

Students

Use of Physical Force

Physical Restraint/Seclusion

IX. Documentation and Communication (continued)

1. each use of physical restraint or seclusion on a special education student;
2. the nature of the emergency that necessitated its use;
3. ~~whether the seclusion of a special education student was conducted pursuant to a behavioral support plan; and~~
4. if the physical restraint or seclusion resulted in physical injury to the student.

X. Responsibilities of the Director of Special Education [or other responsible administrator]

- A. The Director of Special Education [or other responsible administrator], or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion and whether instances of seclusion were conduct pursuant to IEPs.
- B. The Director of Special Education [or other responsible administrator], or his or her designee, must report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the student.

Legal References: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.

10-236b Physical restraint and seclusion of students by school employees.
(as amended by PA 17-220 and PA 18-51)

10-76d Duties and powers of the boards of education to provide special education programs and services.

10-220 Duties of boards of education.

46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.

Students

Use of Physical Force

Physical Restraint/Seclusion

Legal References: Connecticut General Statutes (continued)

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by P.A. 12-88)
53a-18 Use of reasonable physical force.

P.A. 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

P.A 15-141 An Act Concerning Seclusion and Restraint in Schools

Other Reference: Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Regulation approved:

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rev 5/16
rev 6/17
rev 6/18
rev 11/18