

*A new policy.***Students****Married/Pregnant Students**

Married students shall have the same educational opportunities in this school system as unmarried students. Pregnant and parenting students will not be discriminated against or excluded from school or from any program, class, or extracurricular activity because they are pregnant or parenting students.

Further, the responsibility of the Board of Education for the education of all school-age children includes the pregnant student, married or unmarried. These students shall be allowed to remain in school and support services shall be made a part of the school program. Any variation from their continuing in regular school classes shall be based upon their assessed needs. Pregnancy, in Connecticut, is a category of disability that confers eligibility for special education services. A pregnant girl may remain in her regular school program as long as her physical and emotional condition permits. Homebound and hospitalized instruction shall be provided when it is in the best interest of the student.

Legal Reference: Connecticut General Statutes

10-184 Duties of parents

10-186 Duties of local and regional boards of education re school attendance

State Board of Education Regulations

10-76a-35 Definitions of exceptionalities

10-76d-15 Homebound and hospitalized instruction (subsection b4)

10-76d(e)(2) Duties and powers of Boards of Education to provide special programs and services

Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681-1688.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 5141.21 adopted 6/28/16, appropriate as modified.*

## Students

### Administration of Prescribed Medicine

Prescribed medicinal preparations may be administered by the school nurse or in the absence of such nurse, any other nurse licensed pursuant to the provisions of Chapter 378 Connecticut State Statutes and state agency regulations, including a nurse employed by, or providing services under the direction of a local Board of Education. In the absence of a school nurse, the Principal, any contracted full time teacher, licensed physical or occupational therapist employed by Enfield Public Schools, or a coach of intramural or interscholastic athletics of Enfield Public Schools who has been trained in the administration of medication.

A request to administer medication during school hours requires a written order of an authorized prescriber (physician, dentist, optometrist advanced practice registered nurse or physician assistant and for interscholastic and intramural athletic events only, a podiatrist) and written permission from parent or guardian in accordance with the regulations and guidelines approved by the Enfield Board of Education, except for the administration of epinephrine for the purpose of emergency first aid as permitted by state law.

The regulations of the State Office of Early Childhood as amended shall be part of this policy.

The Pupil Services Administration and the Supervisor of Nurses shall be responsible for the administration of this school policy.

The Enfield Board of Education allows blood glucose self-testing for children with diabetes who have a written order from a physician, physician's assistant or an advanced practice registered nurse stating the need and the capability of such child to conduct self-testing.

Legal Reference:      Connecticut General Statutes

10-206 Health Assessment

10-212 School nurses and nurse practitioners. Administration of medications by parents or guardians on school grounds. Criminal history; records check.

10-212a Administration of medications in schools. (as amended by PA 99-2, and June Special Session and PA 03-211, PA 04-181, PA 07-241, PA 07-252, PA 09-155, PA 12-198, PA 14-176 and PA 15-215)

10-220j Blood glucose self-testing by children. Guidelines. (as amended by PA 12-198)

19a-900 Use of cartridge injector by staff member of before- or after-school program, day camp or day care facility.

## Students

### Administration of Prescribed Medicine

Legal Reference: Connecticut General Statutes (continued)

21a-240 Definitions

29-17a Criminal history checks. Procedure. Fees.

52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors)

Connecticut Regulations of State Agencies 10-212a-1 through 10-212a-10, inclusive, as amended.

Code of Federal Regulations: Title 21 Part 1307.2.

20-12d Medical functions performed by physician assistants. Prescription authority.

20-94a Licensure as advanced practice registered nurse.

PA 07-241 An Act Concerning Minor Changes to the Education Statutes.

29-17a Criminal history checks. Procedure. Fees.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 5141.221 adopted 5/12/09, appropriate as renumbered, except for addition of legal references.*

## Students

### Communicable Disease and Infestation

Procedures to prevent and manage the spread of communicable diseases and infestations within Enfield Public Schools shall be in accordance with current public health standards and evidence-based practices (i.e., as provided by the Centers for Disease Control at the U.S. Department of Health and Human Services, and the Connecticut State Department of Public Health), and expert medical authorities (e.g., Red Book Report of the Committee on Infectious Diseases of the American Academy of Pediatrics; Control of Communicable Disease Manual, American Public Health Association; and recommendations of the School Health Committee of the American Academy of Pediatrics). Such procedures shall address pre-entry student health requirements and the exclusion of students with signs or symptoms of a communicable disease or infestation. Students who are temporarily excluded from school for medical assessment and if indicated, treatment will be readmitted to school with appropriate medical documentation, as defined in procedures, as quickly as possible based on risk of transmission to others.

Confidential reports of communicable disease will be made to the Director of the North Central Health District as required by law (Connecticut Public Health Code, C.G.S. 19a-36-A3).

Legal Reference: Connecticut General Statutes  
 "Education for Children with Disabilities", 20 U.S.C. 1400, et seq. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706(7)(b)  
 "Americans with Disabilities Act"  
 The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99.  
 10-76(d)(15) Duties and powers of boards of education to provide special education programs and services.  
 10-154a Professional communications between teacher or nurse and student.  
 10-207 Duties of medical advisors.  
 10-209 Records not to be public.  
 10-210 Notice of disease to be given parent or guardian.  
 19a-221 Quarantine of certain persons.  
 19a-581-585 AIDS testing and medical information.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
 Enfield, Connecticut

*Existing policy, presently numbered 5141.23 adopted 9/22/2009, appropriate as renumbered and with addition of legal reference.*

## **Students**

### **Prohibition on Recommendation for Psychotropic Drugs**

The Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. For the purposes of this policy, the term "recommend" shall mean to directly or indirectly suggest that a child should use psychotropic drugs.

Notwithstanding the foregoing, school medical staff may recommend that a child be evaluated by an appropriate medical practitioner.

Nothing in this policy shall be construed to prohibit a planning and placement team from discussing with parents and/or guardians of a child the appropriateness of consultation with or evaluation by, medical practitioners, or to prohibit school personnel from consulting with appropriate medical practitioners with the consent of the parents and/or guardians of a child.

**Legal Reference:**      Connecticut General Statutes  
                              10-212b Policies prohibiting the recommendation of psychotropic drugs by  
                              school personnel. (as amended by PA 03-211)  
                              46b-120. Definitions  
                              10-76a Definitions. (as amended by PA 00-48)  
                              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. (as amended by PA 97-114 and PA 00-48)  
                              10-76h Special education hearing and review procedure. Mediation of  
                              disputes. (as amended by PA 00-48)  
                              State Board of Education Regulations.  
                              34 C.F.R. 3000 Assistance to States for Education for Handicapped  
                              Children.  
                              American with Disabilities Act, 42 U.S.C. §12101 et seq.  
                              Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.  
                              Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 5141.25 adopted 1/27/2009, appropriate as written, and with update to legal reference.*

## **Students**

### **Accommodating Students with Special Dietary Needs**

The Board of Education believes all students, through accommodations where required, shall have the opportunity to participate fully in all school programs and activities.

The Board recognizes that students with documented life-threatening food allergies are considered disabled and are covered by The Disabilities Act and Public Law 93-112 and Section 504 of The Rehabilitation Act of 1973. A clearly defined "504 Accommodation Plan" shall be developed and implemented if necessary for all such identified students in which necessary accommodations are made to ensure full participation of identified students in school activities. Such plan shall be signed by the appropriate staff, the parent/guardian of the student and the student's physician, if so required.

Each school is also responsible for developing and implementing guidelines for the care of students with special dietary needs/foods allergies. Such guidelines shall include, but not be limited to, staff development, strategies for identifying students at risk for life-threatening allergic reactions, means to manage the student's allergy including avoidance measures, designation of typical symptoms and dosing instructions for medications.

Guidelines for a building will be based upon the specific allergies identified within the student population. Guidelines should maintain the health and protect the safety of children who have severe food allergies in ways that are developmentally and age appropriate, promote self-advocacy and competence in self-care, and provide appropriate educational opportunities.

The Board recognizes that risks can never be fully eliminated in the school environment. Therefore, the guidelines should be viewed as a plan of action with emphasis on prevention of exposure to food allergens and a response plan to an allergic event should one occur.

In an effort to prevent the exposure to food allergens the following activities are prohibited:

- a. Meal/snack swapping and utensil swapping among students during lunch/snack time and all special events (i.e. room parties, celebrations, PTO food events);
- b. Eating or drinking on school buses;
- c. The use of nut and peanut products in the hot lunch program for elementary students;
- d. Eating or drinking in non-authorized areas of the school building or grounds by the students, parents and visitors.

Building principals are authorized to expand upon the prohibited activities but are not authorized to initiate a school wide ban on a particular food.

## Students

### Accommodating Students with Special Dietary Needs (continued)

The Board directs the building administrator to utilize the following prevention strategies in their building plan as appropriate:

1. Establish a method of ensuring that relevant information is transmitted to all supervising persons of an identified student. Supervising persons includes certified, non-certified, and volunteer staff having interaction with the student;
2. Directly communicate with Food Services on the dietary needs of identified children;
3. Create an allergen free table/section in the cafeteria;
4. Keep classroom and lunch table surfaces clean of allergens;
5. Promote proper hand washing before and after eating;
6. At least annually, and more often if required, monitor the effectiveness of district procedures and individualized health plans with the appropriate staff members, parents, and if applicable, the student;
7. Address custodial services required by groups renting/using school facilities to ensure that areas are clean of allergens following the use of the facilities. Any terms or costs associated with these custodial services should be stated in the rental agreement.

The Board believes that parents have responsibility in the prevention plan. Parents of students with special dietary needs/food allergies must provide the school with an individualized action plan developed by the child's physician on the appropriate District provided form. Parents of at-risk children should provide their child with some type of medical alert identification. Parents of at-risk students are strongly encouraged to have their child bring a lunch from home. Parents of all students are expected to reinforce the prevention plan with their child at home.

Legal Reference: Connecticut General Statutes

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

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

10-207 Duties of medical advisors.

10-212a Administrations of medications in schools.

10-212a(d) Administration of medications in schools by a paraprofessional.

10-212c Life threatening food allergies; Guidelines; district plans, as amended by P.A. 12-198)

## Students

### Accommodating Students with Special Dietary Needs

Legal Reference: Connecticut General Statutes (continued)

10-220i Transportation of students carrying cartridge injectors

10-231c Pesticide application at schools

19a-900 Use of cartridge injectors by staff members of before or after school programs, day camp or day care facility

52-557b Good Samaritan Law. Immunity from liability for emergency medical assistance, first aid or medication by injection

The Regulations of Connecticut State Agencies section 10-212a through 10-212a-7, Administration of Medication by School Personnel

Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools, Connecticut State Department of Education (2006)

#### Federal Legislation

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 § 504; 34 C.F.R. § 104 et seq.)

Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §12101 et seq.; 29C.F.R. §1630 et seq.)

The Family Education Rights and Privacy Act of 1974 (FERPA)

*Land v. Baptist Medical Center*, 164F3d423 (8<sup>th</sup> Cir. 1999)

The Individuals with Disabilities Education Act of 1976 (IDEA) (20 U.S.C. § 1400 et seq.); 34 C.F.R. § 300 et seq.

FCS Instruction 783-2, Revision 2, Meal substitution for medical or other special dietary reasons.

P.A. 09-155 An Act Concerning the Use of Asthmatic Inhalers and Epinephrine Auto-Injectors While at School.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)



*Suggested replacement for existing policies, presently numbered 5141 and 5141.1 adopted 9/22/09 and 10/29/08, which do not reflect legislative modifications.*

## **Students**

### **Health Assessments and Immunizations**

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

To determine health status of students, facilitate the removal of disabilities to learning and find whether some special adaptation of the school program may be necessary, the Board of Education requires that students have health assessments.

The Board of Education adheres to those state laws and regulations that pertain to school immunizations and health assessments, including oral health assessments. It is the policy of the Board of Education to insure that all enrolled students are adequately immunized against communicable diseases. The Board may deny continued attendance in school to any student who fails to obtain the health assessments required under C.G.S. 10-206, as may be periodically amended.

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

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

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

It is the responsibility of the Principal to insure that each student enrolled has been adequately immunized and has fulfilled the required health assessments. The school nurse shall check and document immunizations and health assessments on all students enrolling in school and to report the status to the school principal. The school nurse shall also contact parents or guardians to make them aware if immunizations and/or health assessments are insufficient or not up-to-date. The school nurse will maintain in good order the immunization and health assessment records of each student enrolled.

## Students

### Health Assessments and Immunizations (continued)

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

(cf. 5111 - Admission)

(cf. 5141.31 - Physical Examinations for School Programs)

(cf. 5125 - Student Records)

(cf. 5125.11 - Health/Medical Records – HIPAA)

(cf. 5141 - Student Health Services)

Legal Reference:      Connecticut General Statutes  
                                 10-204a Required immunizations (as amended by P.A. 15-174 and P.A. 15-242)  
                                 10-204c Immunity from liability  
                                 10-205 Appointment of school medical adviser  
                                 10-206 Health assessments (as amended by P.A.17-146 and PA 18-168)  
                                 10-206a Free health assessments  
                                 10-207 Duties of medical advisors  
                                 10-208 Exemption from examination or treatment  
                                 10-208a Physical activity of student restricted; board to honor notice  
                                 10-209 Records not to be public. Provision of reports to schools.  
                                 10-212 School nurses and nurse practitioners  
                                 10-214 Vision, audiometric and postural screenings. When required.  
                                 Notification of parents re defects; record of results. (as amended by PA 17-146)  
                                 Department of Public Health, Public Health Code, 10-204a-2a, 10-204a-3a, 10-204a-4  
                                 Section 4 of P.A. 14-231  
                                 Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g)  
                                 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)  
                                 P.A. 17-146 “An Act Concerning the Department of Public Health’s Various Revisions to the Public Health Statutes,” Section 5, effective 10/1/17  
                                 PA 18-168 An Act Concerning the Department of Public Health’s Recommendations Regarding Various Revisions to the Public Health Statutes, Sections 7-9, 539 & 540

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

*A new mandated policy.*

## **Students**

### **Reporting of Child Abuse, Neglect and Sexual Assault**

In furtherance of CGS 17a-101 et. seq., and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, or imminent risk of serious harm, in accordance with the procedures set forth in this policy.

Furthermore, the Board of Education requires all personnel who have reasonable cause to suspect or believe that a child, under the age of eighteen (18), except in the case of sexual assault by a school employee, has been abused, neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed in imminent danger of serious harm or has been sexually abused by a school employee to report such cases in accordance with the law, Board policy and administrative regulations. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

A mandated reporter shall make an oral report, by telephone or in person, to the Commissioner of Children and Families or a law enforcement agency as soon as possible, but no later than twelve (12) hours after the reporter has reasonable cause to suspect the child has been abused or neglected. In addition, the mandated reporter shall inform the building principal or his/her designee that he/she will be making such a report. Not later than forty-eight hours of making the oral report, the mandated reporter shall file a written report with the Commissioner of Children and Families or his/her designee. (The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.)

The oral and written reports shall include, if known: (1) the names and addresses of the child and his/her parents/guardians or other persons responsible for his/her care; (2) the child's age; (3) the child's gender; (4) the nature and extent of the child's injury or injuries, maltreatment or neglect; (5) the approximate date and time the injury or injuries, maltreatment or neglect occurred; (6) information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings; (7) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter; (8) the name of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment or neglect; (9) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect; (10) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and (11) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child. (For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a District school, other than part of an adult education program.)

## Students

### Reporting of Child Abuse, Neglect and Sexual Assault (continued)

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

The Board recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated reporter's written or oral report of abuse or neglect or if the Commissioner of Children and Families has reasonable belief that a school employee abused or neglected a student. Not later than five (5) working days after an investigation of child abuse or neglect by a school employee has been completed, DCF is required to notify the school employee and the Superintendent and the Commissioner of Education of the investigation's results. If DCF has reasonable cause, and recommends the employee be placed on DCF's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

The Board, recognizing its responsibilities to protect children and in compliance with its statutory obligations, shall provide to each employee in-service training regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by the Department of Children and Families. Each school employee is required to complete a refresher training program, not later than three years after completion of the initial training program and shall thereafter retake such refresher training course at least once every three years.

The Principal of each school in the district shall annually certify to the Superintendent that each school employee working at such school has completed the required initial training and the refresher training.

State law prohibits retaliation against a mandated reporter for fulfilling his/her obligations to report suspected child abuse or neglect. The Board shall not retaliate against any mandated reporter for his/her compliance with the law and Board policy pertaining to the reporting of suspected child abuse and neglect.

*(This paragraph is optional)* It is mandated that policy and procedure development include three major components: Education, Intervention and Evaluation. The Education component requires that school personnel be provided with ongoing education (staff development) related to the recognition and reporting of suspected child abuse, neglect and sexual assault. Intervention requires that "at risk" students be identified and that suspected child abuse, neglect and sexual assault be reported. Evaluation is essential in order to determine whether policy and procedures are effective and appropriately updated to incorporate changes in knowledge, personnel, student and family needs, community resources and law. Such evaluation should take place annually, or more frequently as needed.

## **Students**

### **Reporting of Child Abuse, Neglect and Sexual Assault (continued)**

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

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

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

### **Establishment of the Confidential Rapid Response Team**

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

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

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

### **Hiring Prohibitions**

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

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

(cf. 4112.6/4212.6 – Personnel Records)

(cf. 5145.511 – Sexual Abuse Prevention and Education Program)

## Students

### Reporting of Child Abuse, Neglect, and Sexual Assault

Legal Reference: Connecticut General Statutes

10-220a Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)

10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)

10-221s Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)

17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93 and PA 14-186)

17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)

17a-101a Report of abuse or neglect by mandated reporters. (as amended by PA 02-106, PA 11-93, and PA 15-205, PA 18-15 and PA 18-17)

17a-102 Report of danger of abuse. (as amended by PA 02-106)

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

10-151 Teacher Tenure Act.

P.A. 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District.

P.A. 15-205 An Act Protecting School Children.

P.A. 14-186 An Act Concerning the Department of Children and Families and the Protection of Children.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

*Existing policy, presently numbered 5140.3 adopted 9/22/09, appropriate as renumbered and with update to legal reference.*

## **Students**

### **Suicide Prevention/Intervention**

The Enfield Board of Education recognizes that suicide has become a major cause of death among young people and, consequently, is a concern to this school system and the community it serves. The Board recognizes that suicide is a complex issue and that, while the school may recognize potentially suicidal youth, it cannot make clinical assessment of risk and provide in-depth counseling, but must notify the parent or guardian who will be provided with a list of appropriate resources for such an evaluation.

Therefore, any school employee who may have knowledge of a suicide threat must take the proper steps to report this information to the school Principal or his/her designee.

Legal Reference: Connecticut General Statutes

10-221(e) Boards of education to prescribe rules.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 5141.7 adopted 5/12/15, appropriate as renumbered, and with update to legal reference.*

## Students

### Concussions and Head Injuries

In conjunction with the State of Connecticut and the Connecticut Interscholastic Athletic Conference (CIAC), Enfield Public Schools will educate all coaches, athletes and parents regarding concussions and head injuries. Student athletes exhibiting any signs or symptoms of a concussion during any athletic contest or practice will be removed and the parent/guardian shall be notified within 24 hours.

The Superintendent or his/her designee shall be responsible for developing administrative regulations for concussion education and awareness for student athletes and parents. The concussion and head injuries information will be provided by the Athletic Department through the Athletic Trainer and/or Sports Medicine Physician. The regulation will follow all CIAC guidelines in conformity with the provisions of applicable state statutes and regulations.

Legal Reference:     Connecticut General Statutes

PA 10-62 An Act Concerning Student Athletes and Concussions

P.A. 14-66 An Act Concerning Youth Athletics and Concussions

"Concussion Education Plan and Guidelines for Connecticut Schools"  
adopted by the State Board of Education, January 7, 2015

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)



*Existing policy, number 5142 adopted 5/12/15, appropriate as written, and with update to legal reference.*

## Students

### School Security and Safety

Each school operation under the jurisdiction of the Enfield Board of Education will create and implement an all-hazards school security and safety plan to bolster its existing emergency preparedness, response capability and school safety and security measures and to best meet all-hazards threats. This plan will adhere to the requirements of state law and will include procedures for managing various types of emergencies and crisis management procedures. Each individual school's plan should be kept securely and will only be provided to the Board of Education, school staff and administration members of state and local law enforcement, first responders and local municipal officials. Pursuant to Connecticut General Statutes §1-210 (b)(19), the plan will not be available to the public.

Legal Reference: Connecticut General Statutes

10-220f Safety committee

P.A. 13-3 An Act Concerning Gun Violence Prevention and Children's Safety (Sections 86, 87, 88)

Federal Emergency Management Agency, Guide for Developing High-Quality School Emergency Operations Plans, June 2013.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*A newly revised and mandated policy to consider.*

## **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; 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.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school 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.

## **Students**

### **Use of Physical Force**

### **Physical Restraint/Seclusion/Exclusionary Time Out**

#### **Definitions (continued)**

**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.

**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. 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.
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**

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 Settings)

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:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy review Committee)



# **Enfield Public Schools Physical Restraint Report Form**

**Note:** This report is required to be submitted to the Principal/Director of Special Education as soon as practicable after an incident involving physical restraint, but in no event later than 24 hours after the incident. 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.

**Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. 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 or individualized education program pursuant to state special education statutes or an exclusionary time out.

## **STUDENT INFORMATION:**

Name of Student: \_\_\_\_\_ Date of Restraint: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: M/F \_\_\_\_\_ Grade Level: \_\_\_\_\_

Does student currently receive special education services or is the student being evaluated for eligibility for special education services? Yes: \_\_\_\_ No: \_\_\_\_ School: \_\_\_\_\_

Date of this report: \_\_\_\_\_ Site of physical restraint: \_\_\_\_\_

This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_

## **Staff administering restraint:**

Name: _____	Title: _____
Name: _____	Title: _____
Name: _____	Title: _____

## **Staff monitoring restraint:**

Name: _____	Title: _____
Name: _____	Title: _____

## **Administrator who was verbally informed following the restraint:**

Name: _____	Title: _____
Reported by: _____	Title: _____

**PRECIPITATING ACTIVITY:**

Description of activity in which the restrained or other students were engaged immediately preceding emergency use of physical restraint: *(A student may not be placed in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or others. Restraint may not be used to discipline a student, because it is convenient or instead of a less restrictive environment.)*

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

Description of other steps, including attempts at verbal deescalation, to prevent the emergency necessitating use of restraint:

**DESCRIPTION OF PHYSICAL RESTRAINT:**

Justification for initiating physical restraint *(check all that apply)*:

- ☐ Non-physical interventions were not effective
- ☐ To protect student from immediate or imminent injury
- ☐ To protect other student/staff from immediate or imminent injury

Type of protective hold used:

- ☐ Side by side parallel hold
- ☐ Lifted and carried (full security hold)
- ☐ Held in chair (reverse cradle transport)
- ☐ Floor control
- ☐ Other *(describe)*

Regular evaluation of the student being restrained for signs of physical distress:

Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____

Time restraint began: \_\_\_\_\_ Time restraint ended: \_\_\_\_\_  
Total time (in minutes): \_\_\_\_\_

**CESSATION OF RESTRAINT:**

How restraint ended (*check all that apply*):

- ☐ Determination by staff member that student was no longer a risk to himself/herself or others
- ☐ Intervention by administrator(s) to facilitate deescalation
- ☐ Law enforcement personnel arrived
- ☐ Staff sought in-house assistance
- ☐ Community emergency personnel arrived
- ☐ Other (*describe*):

**Description of any injury to student and/or staff and any medical or first aid care provided:**

Time medical staff checked injured person: \_\_\_\_\_

Medical staff actions: \_\_\_\_\_

Medical staff name: \_\_\_\_\_

Incident report was filed with the following school district official:

\_\_\_\_\_

Date: \_\_\_\_\_

**FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary)**

The school will take the following actions (*check all that apply*)

- ☐ Review incident with student to address behavior that precipitated the restraint
- ☐ Debrief staff regarding incident
- ☐ Consider whether follow-up is necessary for students who witnessed the incident
- ☐ Further contact with parents (*describe*):

- ☐ Convene Crisis Intervention Team Meeting
- ☐ Convene PPT to review/revise behavior intervention plan and/or IEP
- ☐ Convene PPT to discuss functional behavior assessment

**PARENT/GUARDIAN NOTIFICATION** *(required for all restraints):*

Parent who was verbally informed of this restraint:

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

Notice mailed to Parent: Yes \_\_\_\_\_ No \_\_\_\_\_

Mailed by: \_\_\_\_\_ Title: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Principal/Program Administrator/ Team Leader)

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Director of Special Education)

**FOR PRINCIPAL/DIRECTOR OR DESIGNEE USE ONLY**

☐ Reviewed physical restraint report

☐ Reviewed behavior plan, if applicable

☐ In considering the effect of the restraint on the student's educational plan, I find the following:

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**Enfield Public Schools**

**Seclusion Report Form**

**Note:** This report is required to be submitted to the Director of Special Education as soon as practicable after an incident involving the seclusion of a student, but in no event later than 24 hours after the incident. Any use of seclusion is to be documented in the child's educational record, and, if appropriate, in the child's school health record.

**Seclusion:** The involuntary confinement of a student in a room, whether alone or with supervision by a Board of Education employee, in a manner that prevents the student from leaving. *(A student may not be placed in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or others. Seclusion may not be used to discipline a student, because it is convenient or instead of a less restrictive environment.)*

**STUDENT INFORMATION:**

Name of Student: \_\_\_\_\_ Date of seclusion: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: M/F \_\_\_\_\_ Grade Level: \_\_\_\_\_

Does student currently receive special education services or is the student being evaluated for eligibility for special education services? Yes: \_\_\_\_ No: \_\_\_\_ School: \_\_\_\_\_

Date of this report: \_\_\_\_\_ Site of seclusion: \_\_\_\_\_

This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_

**Staff placing student in seclusion:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Staff monitoring seclusion:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Administrator who was verbally informed following the seclusion:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Reported by: \_\_\_\_\_ Title: \_\_\_\_\_

**PRECIPITATING ACTIVITY/DESCRIPTION OF SECLUSION:**

Does the student have an IEP which includes the use of seclusion? Yes \_\_\_\_ No \_\_\_\_

**If No:** Description of the risk of immediate or imminent injury to the student secluded or others that required use of seclusion.

**If Yes or No:** Description of other steps, including attempts at verbal deescalation, to prevent the use of seclusion:

**MONITORING OF SECLUSION**

Regular evaluation of the student being secluded for signs of physical distress:

Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____

Time seclusion began: \_\_\_\_\_ Time seclusion ended: \_\_\_\_\_  
Total time (in minutes): \_\_\_\_\_

**CESSATION OF SECLUSION:**

How seclusion ended (*check all that apply*):

- ☐ Determination by staff member that student was no longer a risk to himself/herself or others
- ☐ Intervention by administrator(s) to facilitate deescalation
- ☐ Law enforcement personnel arrived
- ☐ Staff sought in-house assistance
- ☐ Community emergency personnel arrived
- ☐ Termination per instruction in IEP/behavior plan
- ☐ Other (*describe*): \_\_\_\_\_

**Description of any injury to student and/or staff and any medical or first aid care provided:**

Time medical staff checked injured person: \_\_\_\_\_

Medical staff actions: \_\_\_\_\_

Medical staff name: \_\_\_\_\_

Incident report was filed with the following school district official:

\_\_\_\_\_

Date: \_\_\_\_\_

**FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary)**

The school will take the following actions (*check all that apply*)

- ☐ Review incident with student to address behavior that precipitated the seclusion
- ☐ Debrief staff regarding incident
- ☐ Consider whether follow-up is necessary for students who witnessed the incident
- ☐ Further contact with parents (*describe*):

- ☐ Convene Crisis Team Meeting
- ☐ Convene PPT to review/revise behavior intervention plan and/or IEP
- ☐ Convene PPT to discuss functional behavior assessment

**PARENT/GUARDIAN NOTIFICATION (*required for all seclusions*):**

Parent who was verbally informed of this seclusion:

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

Notice mailed to Parent: Yes \_\_\_\_\_ No \_\_\_\_\_

Mailed by: \_\_\_\_\_ Title: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Program Administrator/ Team Leader)

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Director of Special Education)

**FOR DIRECTOR OR DESIGNEE USE ONLY**

- ☐ Reviewed seclusion report
- ☐ Reviewed behavior plan, if applicable
- ☐ In considering the effect of the seclusion on the student's established behavioral support of educational plan, I find the following: \_\_\_\_\_

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(STATE INCIDENT REPORTING FORM)

**Report of Seclusion or Restraint  
Incident Report**

School District: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Phone: \_\_\_\_\_  
Name and Title of Person Preparing the report: \_\_\_\_\_  
Incident: Seclusion \_\_\_\_\_ Restraint \_\_\_\_\_  
Name of Student: \_\_\_\_\_ Student Disability: \_\_\_\_\_  
Birth Date of Student: \_\_\_\_\_ Male/Female Race: \_\_\_\_\_

Describe the nature and use of seclusion: (Identify the emergency that necessitated the use of seclusion and how long the student was in seclusion.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature and use of restraint: (Identify the emergency that necessitated the use of restraint, time in restraint and type of restraint used.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the parent contacted within twenty-four hours of the use seclusion or restraint as an emergency intervention to prevent immediate or imminent injury to the person or others?

Yes \_\_\_\_\_ No \_\_\_\_\_ If "No", did the parent receive a copy of the incident report no later than five days from the date of the incident? Yes \_\_\_\_\_ No \_\_\_\_\_

Was the student injured during the emergency use of restraint or seclusion?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If "Yes", complete and attach a Report of Injury.

## 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 Enfield 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, school 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; (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 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.

### 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.

## **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

### **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.

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.

## **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

### **III. Procedures for Seclusion of a Student (continued)**

#### **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.

### **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.

## **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

### **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.

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.

*A new and mandated policy.*

## Students

### Use of Exclusionary Time Out Settings

The Board of Education (Board) acknowledges that behavior management practices for students may sometimes include the use of exclusionary time out settings. A time out setting is an area for a student to safely deescalate, self-regulate, self-calm, regain control and prepare to meet expectations to return to his/her educational program. A time out setting shall only be used in conjunction with a behavior management program which teaches and reinforces acceptable behaviors, except where it is necessary to remove a student from a potentially dangerous situation or an unanticipated situation.

### Definitions

**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.

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

**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; 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.

### Types of Time Out

A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by staff direction for the purpose of calming.

There are two kinds of time-out:

- **Inclusionary** – when a student is removed from positive reinforcement or full participation in the class while remaining in the class. The use of inclusionary time-out functions as a behavior support strategy while allowing the student to remain fully aware of the learning activities in the classroom.
- **Exclusionary** – when a student is separated from the rest of the class through complete visual separation or actual physical separation.

Time-out is used for calming an agitated student. Time-out is not used for punishment or discipline.

## **Students**

### **Use of Exclusionary Time Out Settings (continued)**

#### **Use of Exclusionary Time Out Setting/Space**

If a time out setting/space is to be used, it must be used as a behavioral intervention strategy that is designed to teach and reinforce alternative appropriate behaviors in which a student is removed to a supervised area or room in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The Board has adopted and implemented the following policy and procedures governing school use of time out settings/spaces as part of its behavior management approach consistent with P.A. 18-51.

**At a minimum, the use of exclusionary time out settings/spaces shall be governed by the following rules and standards:**

1. The Board prohibits placing a student in a locked room or space or in a setting where the student cannot be continuously observed and supervised. The time out space shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out setting. The staff must be able to see and hear the student at all times. At least one school employee must remain with the student or be immediately available to the student so that the student and the staff member can communicate verbally throughout the time out.

Under no circumstances shall a time out setting/space in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

2. Factors which may precipitate the use of the time out setting/space:
  - a. Student fails to respond to less severe interventions (behavior that cannot be controlled through interventions short of isolation in the designated time out space or room)
  - b. Behavior that is severely disruptive
  - c. Dangerous behavior that presents a risk of injury or harm to that student or to others
  - d. Behavior that is dangerous or presents a risk of significant property damage.



## Students

### Use of Exclusionary Time Out Settings (continued)

*The designated time out setting/space shall not be used for punitive purposes, for staff convenience or to control minor misbehavior.*

#### 3. Time limitations for the use of the time out setting/space:

A student should remain in the designated time out setting/space only for the time necessary for the student to compose him/herself sufficiently to return to the classroom with minimal risk that the behavior will quickly reoccur, in the opinion of school staff monitoring the intervention. The time should normally not exceed 30 minutes. *(A suggested time-legislation does not specify time limits)*

School staff shall not keep a student in the designated time out setting/space for more than one hour. If the student continues to present dangerous behaviors after this period of time, the placement in that space may be continued only with written authorization of the building Principal or designee. In that event, the student's parent/guardian should also be called for the purpose of taking the student home for the remainder of that school day.

If, at any point during the student's stay in the designated time out space, the building Principal or his/her designee believes that the student cannot be maintained safely even in that setting, the building Principal/designee shall call the student's parent/guardian to come pick up the student, and may also call other emergency personnel for the purpose of taking custody of the student and ensuring the student's safety.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out setting for a student with a disability, including the maximum amount of time a student will need to be in a time out setting as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out setting for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out setting for the student. Whether the student requires a debriefing following the use of a time out setting shall be left to the staff knowledgeable about the individual student.

When it is decided through the program planning process to use a time out setting as a behavioral intervention, it should be clearly articulated in the planning what will be done if the student refuses to comply with the request to move to a time out setting or if the use of this strategy is not successful in managing the student's behavior. Should staff be required to physically remove the student to the time out setting, it is important that non-violent crisis techniques be used. Consideration must be given to the procedures pertaining to use of physical restraint and/or seclusion as defined in policy 5144.1.

## Students

### Use of Exclusionary Time Out Settings (continued)

4. Staff training on the policies and procedures related to the use of time out setting/space shall include, but not be limited to, the following measures:

- a. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for use of time out.

- b. Specific Training Activities and Programs:

Staff members working with students who have the use of the time out space will:

- Receive full training in the policy and procedures for the use of a time out setting.
- Participate in work sessions to review each student's Behavior Intervention Plan and receive specific instruction in the implementation of the plan. The work sessions will include teachers, teaching assistants, monitors, building administrators and the Director of Pupil Personnel Services.

5. Data collection to monitor the effectiveness of the use of time out settings/spaces:

The District shall establish and implement procedures to document the use of time out space, including information to monitor the effectiveness of the use of the time out space to decrease specified behaviors. Such data may be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

- a. A record for each student showing the date and time of each use of the time out setting;
- b. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out setting;
- c. The amount of time that the student was in the time out setting; and
- d. Information to monitor the effectiveness of the use of the time out setting to decrease specified behaviors which resulted in the student being placed in the setting.
- e. Information to be provided to parents:

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out setting for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out setting and provide the parent with a copy of the school's policy on the use of time out settings/spaces.

## Students

### Use of Exclusionary Time Out Settings (continued)

Additionally, parents should be notified if their child was placed in a time out setting. Minimally, *whenever a time out setting is used as an emergency intervention* the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible. The use of a time out setting must be included on the student's IEP.

Parent reports of alleged inappropriate interventions used in a time out setting should be directed to school administrators.

### Physical Space Used as a Time Out Setting/Space

The physical space used as a time out setting must meet certain standards:

- a. The area shall provide a means for continuous visual and auditory monitoring of the student. (Staff assigned to monitor the time out area must be able to see and hear the student at all times and be able to communicate verbally with the student throughout the time out.)
- b. The space or setting used for an exclusionary time out must be appropriate for calming or deescalating the student's behavior.
- c. The area shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- d. Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- e. The temperature of the area shall be within the normal comfort range and consistent with the rest of the building.
- f. The area shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.
- g. The setting must be unlocked and the door must be able to be opened from the inside at all times. The use of locked rooms or spaces for the purpose of time out is strictly prohibited.

(cf. 4148/4248 – Employee Protection)

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

(cf. 5144.1 – Physical Restraint/Seclusion/Exclusionary Time Out)

## Students

### Use of Exclusionary Time Out Settings

#### Physical Space Used as a Time Out Setting/Space (continued)

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 15-141 An Act Concerning Seclusion and Restraint in Schools.  
State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.  
State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

# Sample Designated Time-Out Setting Data Collection Form

Name of Student:
Date of designated time-out room use:
Time of designated time-out room use:
Duration of designated time-out room use:
Name of professional staff supervising student while in designated time-out room:

Describe:
a) Antecedent events leading up to use of designated time-out room
b) Behavior that resulted in use of designated time-out room
c) Behavior observed in the designated time-out room

If used, describe the physical assistance required:

On this occasion, was the student able to self-regulate and/or control behavior in order to return to the classroom or were further interventions required? Specify.

**NOTE:** *This data must be placed in the student's confidential record.*

*A mandated policy.*

## **Students**

### **Discipline**

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

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

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

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

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

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

##### **2. Physical Activity as Punishment**

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

##### **3. Wellness Instruction**

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

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

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

## **Students**

### **Discipline**

#### **Physical Exercise and Discipline of Students (continued)**

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

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

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

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

(cf. 6142.10 – Health Education Program)

(cf. 6142.101 – Wellness)

(cf. 6142.61 – Physical Activity)

(cf. 6142.6 – Physical Education)

Legal Reference: Connecticut General Statutes

10-221o Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, and P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools)

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

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)



*A new policy.*

## **Students**

### **Section 504 of the Rehabilitation Act of 1973 (Civil and Legal Rights and Responsibilities)**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. To be protected under Section 504, an individual must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Portland Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, the Portland Public Schools prohibits discrimination against any person with a disability in any of the programs operated by the school system.

The school district also has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district's obligation includes providing access to free appropriate public education ("FAPE") for students determined to be eligible under Section 504. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

If the parent or guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child, a parent/guardian has a right to request an impartial due process hearing. The parent or guardian may also file an internal grievance on these issues or any other type of discrimination on the basis of disability by utilizing the complaint procedures outlined in the Board's Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Any student, parent, guardian or other individual who believes he/she has been discriminated against by or within the district on the basis of a disability may utilize the complaint procedures outlined in the Board's Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111; TELEPHONE NUMBER (617) 289-0111.

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact the Superintendent of Schools.

## Students

### Section 504 of the Rehabilitation Act of 1973 (Civil and Legal Rights and Responsibilities)

Legal References:    29 U.S.C. §794  
                             34C.F.R. §104 et seq.  
                             42 U.S.C. 12101 et seq.  
                             ADA Amendments of 2008, Public Law 110-325

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>*

*Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)*

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, presently numbered 5145.2 adopted 9/22/09, appropriate as written, and with update to legal reference.*

## Students

### Search and Seizure

School lockers and desks are the property of the Enfield Public Schools. At no time does the Enfield Public School district relinquish its exclusive control of lockers and desks. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason, at any time, without notice, without the user's consent, and without a search warrant. In addition, the Board authorizes school and law enforcement officials to search specific student lockers, desks and other school property available for the use of students for the presence of weapons, contraband, and the fruits of a crime if (1) the search is justified at its inception, and (2) the search as actually conducted is reasonably related in scope to the circumstances which justified the search in the first place.

A search is justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Reasonable grounds for such a search may include but are not limited to an alert by a dog trained to detect contraband or illegal substances. A search is reasonably related in scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

*New Jersey v. T.L.O.*, 469 US 325; 105 S.Ct.733

*Safford Unified School District #1 v. Redding* (U.S. Sup. CT 08-479)

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, appropriate as written.*

## Students

### Search and Seizure

#### Police Screenings/Searches of School Property Including the Use of Canine (K9) Teams

In an effort to deter violations of school rules and illegal activity on school grounds, the school administration is empowered to call upon the Enfield Police Department to assist it in conduction screenings and/or searches of persons or personal possessions on school property. This may include screening of automobiles and other personal possessions on all school property such as but not limited to lockers, storage areas, and parking areas by the Enfield Police Department's K9 Team. Personal items brought onto school grounds by students, employees, service contractors, and visitors are subject to said screenings which may result in establishing reasonable suspicion or probable cause to conduct a search.

Screenings can be conducted without prior notification to students, employees, service contractors, and visitors. However, the school administration shall annually inform students, employees, and parents of the fact that screenings may occur without prior notice.

Information obtained through such screenings, including an alert through the K-9 team, may establish reasonable cause for a subsequent search. Such searches may be conducted by school officials with or without the assistance of the Enfield Police Department, and the scope of the search shall be reasonably related to the object of the search and shall not be excessively intrusive in light of the age and sex of any students involved. Administrative regulations for this policy shall include guidelines for notification to the parent/guardian of any student who becomes the subject of a search as the result of a screening as authorized by this policy.

A Memorandum of Understanding (MOU) between the Enfield Public School system and the Enfield Police Department shall serve as the working guideline for said screenings and searches. The superintendent is authorized to enter into the MOU on behalf of the Board.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

*New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1985)

PA 94-115 An Act Concerning School Searches.

*Safford Unified School District #1 v. Redding* (U.S. Sup. CT 08-479)

Enfield Police Dept., Standing Orders.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, number 5145.124 adopted 9/22/09, appropriate as written, and with addition of legal reference.*

## **Students**

### **Use of Alcohol Detection Devices**

#### **A. Introduction**

The Enfield Board of Education (BOE) is committed to promoting safe and substance-free school-sponsored activities and events both on and off school grounds. The Enfield BOE adopts this policy for all students enrolled in our schools and their guests who attend school-sponsored events. This policy will cover all school-sponsored activities and events whether conducted on or off school grounds.

1. No alcoholic or intoxicating beverages of any kind are permitted in any building or at any event or activity authorized by the BOE at any time.
2. The consumption of alcoholic or intoxicating beverages prior to or during any school-sponsored event or activity on or off school grounds is strictly prohibited by the BOE.

Therefore, in order to promote a safe environment for our students and their guests at school-sponsored and/or Board authorized activities and events, the school administration is authorized to employ the use of both "passive" and/or "active" alcohol detection devices.

#### **B. Prior Notification**

It is the responsibility of the school administration to provide prior notice of the use of alcohol detection devices to the attendees of BOE authorized events. Prior notice will include, but is not limited to, notification in the student/parent-guardian handbook, notification at school-wide assemblies, notification on event specific advertisements and/or tickets, and notification on guest permission forms.

#### **C. Refusal to Screen**

Students and their guest who refuse to submit to alcohol detection screening will not be permitted to attend the BOE authorized activity. No refunds will be provided to these students or their guests. Parents/Guardians of these students will be contacted and informed of their refusal to screen.

#### **D. Students Testing Positive**

Students who test positive for consumption of alcoholic and/or intoxicating beverages will be subject to school discipline as described in BOE Policy 5131.

## Students

### Use of Alcohol Detection Devices

Legal Reference: Connecticut General Statutes

10a-18 Programs to be offered on effects of drugs and alcohol.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

10-221d Boards of education to prescribe rules re; use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation re schedules of controlled substances.

*New Jersey v. T.L.O.*, 469 325; 105 S.Ct. 733 (1985)

*Veronia School District 47J v. Acton*, 515 U.S. 646 (1995)

*Todd v. Rush County Schools*, 133F.3d 984 (7<sup>th</sup> Cir. 1998)

*Knox County Education Association v. Knox County Board of Education*, 158 F3d 361, 3885-386 (6<sup>th</sup> Cir. 1998)

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*A new policy.*

## Students

### On-Campus Recruitment

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

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

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

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

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

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

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

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

## Students

### On-Campus Recruitment (continued)

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

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

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

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

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

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

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)



ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

Access to Student Information by Military and/or College Recruiters

Name of Student: \_\_\_\_\_ Date: \_\_\_\_\_  
Name of Parent: \_\_\_\_\_ School: \_\_\_\_\_

Dear Parent/Guardian and Secondary Students:

Our District receives funds from the federal government under the *Every Student Succeeds Act of 2015*. These funds are used in a variety of ways to provide additional help to students in greatest academic need. The law also requires that districts receiving these funds must, upon request, provide to military recruiters, colleges and universities, access to the names, addresses and telephone listings of secondary students.

It is important for you to know that a secondary school student eighteen (18) years of age or older, or his/her parent or guardian may request that the student's name, address, and telephone number **not** be released by the District without prior written parental consent. **If you would like to make such a request, please complete the following and return it to your child's school.**

---

*Parent or Guardian: Please complete this section and return the entire form to your child's school. Use a separate form for each child.*

I am aware the District must provide access to military recruiters and colleges or universities of student names, addresses and telephone listings. I am aware the District will provide this information upon request, unless I require that such information not be given to the following groups *without prior written parental consent*:

**Military Recruiters** *(please check one)*

- ☐ Do not release my secondary student's information to military recruiters until you have first obtained my *prior written parental consent* before doing so.
- ☐ I am a student eighteen years of age or older and do not want my information released to military recruiters until you have first obtained my prior written consent before doing so.

**Colleges, Universities, or Institutions of Higher Learning** *(please check one)*

- ☐ I am a student eighteen years of age or older and do not want my information released to colleges, universities or other institutions of higher learning until you have first obtained my prior written parental consent before doing so.
- ☐ Do not release my secondary student's information to colleges, universities or institutions of higher learning until you have first obtained my *prior written parental consent* before doing so.

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adult Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

**OPT-OUT FORM**  
**FOR DISCLOSURE OF INFORMATION TO MILITARY RECRUITERS**

- ☐ Do not disclose my child's/my name, address, telephone number or directory information to any United States military recruiter.

Signature of parent/guardian or student

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Student's name

---

Date \_\_\_\_\_

*Suggested replacement for existing policy, presently numbered 5125.3 adopted 10/13/09, which does not reflect legislative modifications.*

## Students

### Directory Information

Directory information or class lists of student names and/or addresses, and telephone lists shall not be distributed without the consent of the parent or legal guardian of the student or by the student who has attained status as an eligible student. *(An eligible student is a student or former student who has reached eighteen years of age or who is attending an institution of post-secondary education or is an emancipated minor.)*

The District may disclose any of the items listed as "Directory Information" without prior written consent, unless notified in writing to the contrary.

**"Directory information"** means one or more of the following items: student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, including honor roll publication, and the most recent previous public or private school attended by the student, parent's name and/or e-mail address.

A student's Social Security Number or student ID number is prohibited from designation as directory information. However, student ID numbers, user ID, or other electronic personal identifiers used by a student to access or communicate in electronic systems may be disclosed only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticates the user's identity such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless a secondary student eighteen years of age or older, or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents and students of the option to make such a request and shall comply with any request received.

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

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

## Students

### Directory Information (continued)

#### Public Notice

The District will give annual public notice to parents/guardians of students in attendance and students eighteen years of age or emancipated. The notice shall identify the types of information considered to be directory information, the District's option to release such information and the requirement that the District must, by law, release secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents/guardians or eligible students request the District withhold this information and such release would require their written permission. Such notice will be given prior to the release of directory information.

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

#### Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the Principal by the parent/guardian, student of eighteen years of age or emancipated student with fifteen days of the annual public notice.

(cf. 5125 - Student Records; Confidentiality)

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

*(See version #2 of this policy for an example.)*

Legal Reference: Connecticut General Statutes

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

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

## Students

### Directory Information

Legal Reference: Connecticut General Statutes (continued)

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008 and December 2, 2011)

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

P.L. 114-95 "The Every Student Succeeds Act" Section 8025

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

**NOTIFICATION TO PARENTS**  
**Release of Certain Information**  
**Under the "Every Student Succeeds Act"**

\_\_\_\_\_20\_\_\_\_\_

Dear Parent/Guardian:

Pursuant to the federal "Every Student Succeeds Act," P.L. 114-98 (Title IX, Sec. 8025), the \_\_\_\_\_ School District must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone listings of high school students.

The District must also notify parents/guardians of their right and the right of their child, if eighteen years of age or older, to request that the District not release such information without prior written consent.

Parents/guardians and eligible students wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and institutions of higher learning must sign this form below and return it to the Building Principal by \_\_\_\_\_  
Date

---

**Reservation of Consent for the Release of Certain Student Information under the "Every Student Succeeds Act"**

Please do not release the name, address and telephone number of \_\_\_\_\_  
Name of Student  
to military recruiters and institutions of higher learning.

---

Print Name of Student

School

Grade

---

Parent's/Guardian's Signature

Date

---

Eligible Student's Signature

Date

**PERMISSION TO RELEASE CERTAIN  
DIRECTORY INFORMATION WITHOUT PRIOR WRITTEN CONSENT**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that [School District], with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, [School District] may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the [School District] to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.<sup>1</sup>

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel, or a person serving on the Board of Education. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifiable information (PII) from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his/her tasks. A "school official" as defined, has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibilities.

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<sup>1</sup> These laws are: Section 8025 of the ESEA (20 U.S.C. 7908), as amended by the Every Student Succeeds Act of 2015 (P.L. 114-95), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

**PERMISSION TO RELEASE CERTAIN  
DIRECTORY INFORMATION WITHOUT PRIOR WRITTEN CONSENT**

If you do not want [School District] to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by [insert date].

[School District] has designated the following information as directory information: [Note: an LEA **may**, but **does not have to**, include all the information listed below.]

Student's name  
Participation in officially recognized activities and sports  
Address  
Telephone listing  
Major field(s) of study  
Weight and height of members of athletic teams  
Electronic mail address  
Photographic, computer and/or video images  
Grade levels  
Electronic mail address  
Degrees, honors, and awards received  
Date and place of birth  
Major field of study  
Dates of attendance  
Grade level  
The most recent educational agency or institution attended  
Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records with a PIN, password, etc.

(A student's social security number, in whole or in part, cannot be used for this purpose.)

The right to opt-out of the disclosure of directory information does not include the right to refuse to wear, or otherwise disclose, a student identification (ID) card or badge.



**DENIAL OF PERMISSION TO RELEASE CERTAIN  
DIRECTORY INFORMATION WITHOUT PRIOR WRITTEN CONSENT**

Dear Parent/ Guardian:

Certain directory information may be released to media, colleges, civic or school-related organizations and state or governmental agencies including military recruiters, as well as published programs for the athletic, music and theater presentations of this school district.

Directory information includes the following kinds of information:

1. Name of student
2. Address of student
3. Telephone number
4. E-mail address of student
5. Major field(s) of study
6. Participation in officially recognized activities and sports
7. Height and weight of members of athletic teams
8. Dates of attendance
9. Degrees and awards received, including publication of honor roll
10. Most recent school attended
11. Date of birth, place of birth
12. Photographic, computer and/or video images
13. Videotape not used in a disciplinary manner
14. Parent's name/e-mail address

Please circle the specific categories of information, if any, listed above that you do not wish to be released without your specific prior written permission.

\_\_\_\_\_The release of all Directory Information is denied.

Please be advised that the right to opt out of disclosure of directory information does not include the right to refuse to wear, or otherwise disclose, a student identification (ID) card or badge.

This form must be completed and returned to the school principal within ten (10) days after publication of the notice on "Directory Information."

_____ Name of Student	_____ School	_____ Grade
_____ Parent's/Guardian's Signature		_____ Date

*A new policy.*

## **Students**

### **Freedom of Speech/Expression**

It shall be the policy of the school district to recognize and protect the rights of student expression. It will maintain a balance of these rights with the interests of an orderly and efficient educational process and of a school environment suitable for the healthy growth and development of all students. This policy will not be implemented on behalf of any other interests.

The school district shall assume no responsibility for the contents of any written material produced, posted, circulated or otherwise distributed, or of student conduct, taken in accordance with this policy, insofar as such matter or conduct may relate to any interests other than those of an orderly and efficient educational process and proper school environments.

In order to protect the educational process and school environment, printed material produced or distributed within the confines of school district property shall meet the following criteria:

1. Material shall be noncommercial.
2. Material shall not contain libelous or obscene language.
3. Material shall not advocate illegal actions.
4. Material shall not contain false statements or innuendoes that would subject any person to hatred, ridicule, contempt or injury of reputation.
5. Material will not imminently threaten to disrupt the educational process of the school.
6. Material shall not advocate action that would endanger the health or safety of students.
7. Material shall not invade the lawful rights of others.
8. Material published, posted or otherwise distributed shall bear the names of at least two students principally involved in the promotion of this material and, when applicable, the name of the sponsoring student organization or group.
9. Material may not be sold on school property, nor can material which seeks a donation or solicits funds be circulated without school authorization.
10. Distributors of materials will be held responsible for cleaning up litter caused by such distribution.

## Students

### Freedom of Speech/Expression (continued)

(cf. 1220 – Citizens' Advisory Committees)  
(cf. 1312 - Public Complaints)  
(cf. 6144 - Controversial Issues)  
(cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

*Grayned v. City of Rockford*, 408 U.S. 104 (1972).

Amendment of U.S. Constitution - Article I.

Connecticut Constitution, Article First, Declaration of Rights, Sections 4, 5.

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

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, presently numbered 5410 adopted 2/24/09, appropriate as renumbered, and with addition of legal reference.*

## Students

### Nondiscrimination – Title IX

It is the policy of the Enfield Board of Education not to discriminate on the basis of gender in its educational programs, activities or employment policies as required by Title IX of the 1972 Education Amendments, or on any other basis prohibited by Connecticut State and/or Federal Non-Discrimination Laws.

Inquiries regarding compliance with Title IX may be directed to the Title IX Coordinator. The Board of Education appoints the Superintendent of School or his designated agent as Title IX Coordinator.

The Board shall, at least annually, notify all students, parents, and employees of the name, address and telephone number of the Title IX Coordinator.

**Legal Reference:** Connecticut General Statutes  
 19-581 through 585 AIDS testing and medical information.  
 10-209 Records not to be public.  
 46a-60 Discriminatory employment practices prohibited.  
 Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).  
 American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008 (Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq)  
 Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)  
*Chalk v. The United States District Court of Central California*.  
 Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*PLEASE SELECT ONE, EITHER EXISTING OR THIS ONE YOU CANNOT HAVE 2.*

## Students

### Nondiscrimination

#### Americans with Disabilities Act

The Board of Education recognizes its responsibility to comply with the letter and spirit of federal and state statutes regarding people with disabilities, including the Americans with Disabilities Act, (ADA) as amended. Discrimination against individuals with a physical or mental impairment is prohibited even if the impairment doesn't substantially limit a major life activity. It is the policy of the Board of Education to provide a free and appropriate education for students with disabilities, regardless of the nature or severity of the student's disability; including those who are in need of special education and related services.

The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis.

#### Definitions

**Disability:** An individual is disabled if he/she (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such impairment; and (3) is regarded as having such impairment. An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active.

**Physical or Mental Impairment:** This means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. This includes, but is not limited to, contagious and non-contagious diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia, and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection, tuberculosis, drug addiction, and alcoholism. It does not include homosexuality or bisexuality.

**Rules of Construction:** These are rules to be applied when determining whether an impairment substantially limits a major life activity to school employees and students. They specify that (1) the term "disability" must be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA; (2) the term "major life activity" must not be interpreted strictly to create a demanding standard and that whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life; and (3) the term "substantially limits" must be construed broadly in favor of expansive coverage and is not meant to be a demanding standard.

## Students

### Nondiscrimination

### Americans with Disabilities Act

#### Definitions (continued)

**Predictable Assessments:** These are impairments that in virtually all cases will result in a determination that an individual has an actual disability because they virtually always can be found to impose a substantial limitation on a major life activity. Such impairments include major depressive disorder, bipolar disorder, schizophrenia, deafness, blindness, intellectual disability, partially or completely missing limbs, autism, cancer, cerebral palsy, diabetes, epilepsy, and HIV. With respect to these types of impairments, the necessary individualized assessment should be particularly simple and straight forward.

The operation of a major bodily function includes the operation of an individual organ within a body system.

**Major Life Activity:** A major life activity includes, but is not limited to, basic tasks such as caring for oneself, performing manual tasks, seeing, hearing, thinking, walking, eating, sleeping, reading, writing, standing, lifting, bending, speaking, breathing, learning, concentrating, communicating, interacting with others and working. The operation of a major bodily function is to be considered a major life activity. This includes functions of the immune system, normal cell growth, digestive, brain, respiratory, bowel, bladder, neurological, special sense organs and skin, genitourinary, cardiovascular, hemic, lymphatic, circulatory, endocrine, musculoskeletal, and reproductive functions.

**Substantially Limits:** A person is considered an individual with a disability when one or more of the individual's important life functions are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. Ameliorative effects of mitigating measures will not be considered in the classification of a person with a disability. Mitigating measures include medication, prosthetics, hearing aids, oxygen therapy equipment, assistive technology, reasonable accommodations, mobility devices, and low-vision devices which magnify, enhance, or augment a visual image. Ordinary eyeglasses and contact lenses are exempt.

**Being Regarded as Having Such Impairment:** This means if the individual establishes that he/she has been subject for an action prohibited under the ADA, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to conditions that are "transitory and minor," having a duration of less than six months.

The District shall not coerce, intimidate, threaten, retaliate against or interfere with any person who attempts to assert a right protected by the above law and will cooperate with investigating and enforcement proceedings under the ADA as well as Section 504, Title IX and Title VI.

## Students

### Nondiscrimination

#### Americans with Disabilities Act (continued)

The District shall designate at least one employee to coordinate its efforts to comply with the ADA, in addition to Title IX and Section 504. All students and staff shall be notified annually of the name, address, and telephone number of the designated individual. (or: The District's Compliance Officer in this policy is also the District's Section 504 and Title IX Compliance Officer.)

The Board directs the Superintendent to develop administrative regulations in order to implement appropriate ADA provisions for students, employees and others who may be affected by this Act. The District shall adopt and publish grievance procedures for prompt and equitable resolution of student/employee complaints alleging discrimination under these statutes.

(cf. 0521 – Nondiscrimination)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.12/4218.12 – Disabilities)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

*Chalk v. The United States District Court of Central California.*

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*A new sample policy to consider.*

## Students

### Title IX

The Board of Education (Board) policy is to maintain a learning and working environment free from any form of sex discrimination or sexual harassment. The Board agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations as amended in the Final Rule promulgated pursuant thereto.

The Board, as required, shall respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Title IX applies to persons in this District because its education programs or activities receive Federal financial assistance. This policy applies to all of the District's programs or activities, whether such programs or activities occur on or off campus.

The District's response shall be triggered by notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, which charges a school with actual knowledge.

### Definitions

**Sex discrimination** for purposes of this Title IX policy occurs when an individual, because of his or her sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance. It includes when the District, as an employer, refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to such individual's compensation, terms, conditions or privileges of employment on the basis of the individual's sex.

**Sexual harassment** for purposes of this Title IX policy includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of *quid pro quo* harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person's equal access to the District's educational programs or activities; or
3. Any instance of sexual assault (as defined in 20 U.S.C.1092 (f)(6)(A)(v)), dating violence (as defined in 34U.S.C. 12291(a)(10)), domestic violence (as defined in 34U.S.C.12291(a)(8)), or stalking, (as defined in 34 U.S.C. 12291(a)(30).

(This definition does not make sexual harassment dependent on the method by which the harassment is carried out.)

**Program or activity** includes those locations, events, or circumstances over which the District exercises substantial control over both the alleged harasser (respondent) and the context in which the sexual harassment occurred.



## Students

### Title IX

#### Definitions (continued)

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee of the school district.

**Title IX Coordinator** is the individual designated and authorized by the Board to coordinate the District's Title IX compliance efforts.

**Deliberately indifferent** means a response to a Title IX sexual harassment report that is not clearly unreasonable in light of the known circumstances.

**Complainant** is the individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal complaint** is the document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

**Document filed by a complainant** is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Supportive measures** are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a complainant or a respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

#### Notifications

The District shall notify all students, employees, applicants for admission and employment, parents or legal guardians of students, and all unions/bargaining units of the Title IX Coordinator's contact information. Such information shall include the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. The required contact information shall also be prominently displayed on District and school websites.

#### Reporting Procedures/Formal Complaint

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment. Such report may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

## **Students**

### **Title IX**

#### **Reporting Procedures/Formal Complaint (continued)**

Such report may be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number, e-mail address or by mail to the office address.

Any third party as well as the complainant may report sexual harassment. This includes parents and guardians of students.

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.

#### **District/School's Mandatory Response Obligations**

The District and its schools recognize its mandatory obligations to respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, as defined. The following mandatory response obligations will be fulfilled:

1. Supportive measures shall be offered to the person alleged to be the victim ("complainant"). A respondent will not be disciplined without the District first following the Title IX grievance process, which includes investigating formal complaints of sexual harassment.
2. The Title IX Coordinator to discuss promptly with the complainant the availability of supportive measures, consider the complainant's wishes with respect to such measures, inform the complainant of the availability of such measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. Follow a grievance procedure that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. The rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment and Fourteenth Amendment shall not be restricted when complying with Title IX.
5. Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.
6. The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

## **Students**

### **Title IX**

#### **District/School's Mandatory Response Obligations (continued)**

7. Compliance efforts, where applicable, to be coordinated with special education staff members.

If the allegations in a formal complaint do not meet the definition of sexual harassment contained within this policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

#### **Notice of Allegation to the Parties**

The District shall provide notice to the parties upon receipt of a formal complaint and on an ongoing basis if the District decides to include additional allegations during the course of the investigation.

The notice shall inform the parties of the allegations that potentially constitute sexual harassment as defined in this policy and include the identities of the parties involved in the incident, sufficient details about the allegations, including the identities of the parties if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

The written notice shall also include notice of the applicable grievance process, and advise the parties that they may have an advisor of their choice and that the parties may inspect and review evidence obtained in the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

#### **Grievance Process**

The District, as required, will utilize a consistent, transparent grievance process for resolving formal complaints of sexual discrimination and/or sexual harassment. Such process, as detailed in the administrative regulation accompanying this policy, applies to all District schools equally.

A presumption that the respondent is not responsible for the alleged conduct shall be maintained until a determination is made regarding responsibility at the conclusion of the grievance process.

## Students

### Title IX (continued)

#### Investigations

Allegations contained in any formal complaint will be investigated. Written notice shall be sent to both the complainant(s) and respondent(s) of the allegations upon receipt of the formal complaint.

During the grievance process and when investigating:

1. The burden of gathering evidence and burden of proof remains with the District.
2. The parties will be provided equal opportunity to present fact and expert witnesses and evidence.
3. The ability of the parties to discuss the allegations or gather evidence shall not be restricted.
4. The parties shall have the same opportunity to select an advisor of their choice, who may be, but need not be, an attorney.
5. The District shall send written notice of any investigative interviews or meetings.
6. The District shall send the parties, and their advisors, evidence directly related to the allegations, electronically or hard copy, with at least 10 days for the parties to inspect, review and respond to the evidence.
7. The District shall send the parties, and their advisors, an investigative report, electronically or hard copy, that summarizes relevant information with at least 10 days for the parties to respond.
8. After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) shall afford each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

**Note:** The final Title IX regulations specify that the decision-maker(s) in the investigation and adjudications of formal complaints cannot be the same person as the Title IX Coordinator or investigator(s).

The District shall dismiss allegations of sexual harassment that do not meet the definition contained in this policy or if such conduct did not occur in a District educational program or activity against a person in the United States. Such dismissal is for Title IX purposes.

## **Students**

### **Title IX**

#### **Investigations (continued)**

The District, in its discretion, may dismiss a formal complaint or allegations therein if the Title IX Coordinator is informed by the complainant in writing to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the District, or if specific circumstances prevent the District from gathering sufficient evidence to reach a determination.

The District shall give the parties written notice of a dismissal, mandatory or discretionary, and the reasons for such dismissal.

The District, in its discretion, may consolidate formal complaints where the allegations arise out of the same facts.

The privacy of an individual's medical, psychological, and similar treatment records will be protected. Such records will not be accessed by the District unless the party's voluntary, written consent is obtained. [The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para professional acting in their recognized capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so.]

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, per the Title IX Final Rule, are considered irrelevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or offered to prove consent.

#### **Standard of Evidence and Written Determination**

The District's Grievance Process, as required by the Title IX Final Rule, shall state whether the standard of evidence to determine responsibility is the preponderance of evidence standard or the clear and convincing evidence standard. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the

- ☐ preponderance of evidence standard. (*previous existing standard*)
- ☐ clear and convincing evidence standard. (*a higher bar*)

## Students

### Title IX

#### Standard of Evidence and Written Determination (continued)

The decision maker, who cannot be the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Such written determination shall be sent simultaneously to the parties and include information about how to file an appeal.

#### Appeals

The District shall offer both parties an appeal from a determination regarding responsibility and from the District's dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias, that affected the outcome of the matter.
4. Additional reasons identified by the District and offered equally to both parties.

The District shall provide both parties a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The appeal decision-maker shall issue simultaneously to the parties, a written decision describing the appeal result and the rationale for the result. *(The appeal decision-maker may not be the same person as the decision-maker(s) that reached the determination of responsibility or dismissal, the investigator(s) or the Title IX Coordinator.)*

#### Informal Resolution Process

The District may exercise the option to offer and to facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties give voluntary, informed, written consent to attempt informal resolution.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District will not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

## **Students**

### **Title IX**

#### **Informal Resolution Process (continued)**

The Board specifically prohibits the offering or facilitating of an informal resolution process to resolve any allegation that an employee sexually harassed a student.

#### **Record Keeping**

The District shall maintain for a period of seven years the records of each sexual harassment investigation, any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of informal resolution; and the materials used to train coordinators, investigators, decision-makers and facilitators of informal resolution.

The District shall also create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, it shall be documented the basis or the conclusion reached and the measures taken to restore or preserve access to the District's educational program or activity. Reasons must be cited when supportive measures are not provided to a complainant.

#### **Retaliation**

The District shall maintain confidentiality regarding the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

The District expressly prohibits retaliation against any individual for exercising Title IX rights

No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.

Complaints alleging retaliation may be filed according to the grievance procedures pertaining to sex discrimination.

The Board recognizes that the following does not constitute retaliation:

1. The exercise of rights protected under the First Amendment of the U.S. Constitution.
2. The charging of an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

## **Students**

### **Title IX**

#### **Retaliation** (continued)

The charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

#### **Training**

The Board shall provide and/or make available training for any person designated as a Title IX coordinator, investigator, and decision maker and any person designated to facilitate an informal resolution process. Such training shall include:

- The definition of sexual harassment under the new Final Rule
- The scope of the District's education programs and activities;
- The manner in which to conduct an investigation and grievance process, including appeals, hearings and informal resolution process, as applicable;
- How to serve impartially, including the avoidance of prejudgment of the facts at issue, conflicts of interest, and bias;
- The promotion of impartial investigations and adjudications of sexual harassment;
- A presumption that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the grievance process;
- Description of the range or list of the possible remedies the district may provide a complainant and disciplinary sanctions that can be imposed on a respondent, following determinations of responsibility;
- The utilization of the preponderance of evidence standard or the clear and convincing evidence standard;
- Issues of relevance of questions and evidence; and
- The creation of the investigative report to fairly summarize relevant evidence.

The District shall, as required, retain its training materials for a period of seven years and to make such materials available on its website (or upon request if the district does not maintain a website).

#### **Nondiscrimination Notice**

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons. The Board shall not discriminate on the basis of sex in the education programs or activities it operates. This policy of nondiscrimination in the education program or activity also extends to employment and admission.



## Students

### Title IX

#### Nondiscrimination Notice (continued)

Notice of the Board's nondiscrimination policy and grievance procedure, including how to file or report sexual harassment and how the District will respond shall be provided to applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the District.

This notice of nondiscrimination shall be posted on district and school websites and placed in any handbooks provided to the above cited groups.

(cf. 0521 – Nondiscrimination)

(cf. 0521.1 – Grievance Procedure for Section 504, Title IX, and Title VII)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)

(cf. 5131.911 – Bullying/Safe School Climate Plan)

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.51 – Peer Sexual Harassment)

Legal Reference: United States Constitution, Article XIV  
 Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).  
 Equal Employment Opportunity Commission Policy Guidance  
 (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.  
 Title IX of the Education Amendments of 1972, 20 USCS §1681, *et seq.*  
 Title IX of the Education Amendments of 1972, 34 CFR §106, *et seq.*  
 Title IX Final Rule, 34 CFR §106.45, *et seq.*, May 6, 2020  
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.  
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62,  
 #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66  
 Fed. Reg. 5512 (January 19, 2001)  
 The Clery Act, 20 U.S.C. §1092(f)  
 The Violence Against Women Act, 34 U.S.C. §12291(a)  
*Mentor Savings Bank, FSB v. Vinson* 477 US.57 (1986)  
*Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June  
 26, 1998)

## Students

### Title IX

Legal Reference: continued

*Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26, 1998)

*Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

*Davis v. Monroe County Board of Education*, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

Conn. Agencies Regs. §46a-54-200 through §46a-54-207

Constitution of the State of Connecticut, Article I, Section 20.

P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

*A new policy to consider.*

## **Students**

### **Sex Discrimination and Sexual Harassment**

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

#### **Definitions**

**Sex discrimination** occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

**Sexual harassment:** While it is difficult to define sexual harassment precisely, it includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as a basis for making any educational decision affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

## Students

### Sex Discrimination and Sexual Harassment (continued)

#### Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Legal References: United States Constitution, Article XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R. §106.1, *et seq.*

*Gebser v Lago Vista Independent School District* 524 U.S. 274 (1998)

*Davis v Monroe County Board of Education* 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* 66 Fed. Reg. 5512 (January 19, 2001).

Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, presently numbered 5140.2 adopted 6/28/16, appropriate as renumbered, and with update to legal reference.*

## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program**

Connecticut General Statute Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the technical high school system or a local or regional Board of Education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require **ALL EMPLOYEES** of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

#### **1. Scope of Policy**

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm or sexual assault of a student by a school employee, but to **ALL EMPLOYEES** of the Board of Education.

#### **2. Definitions**

For the purposes of this policy:

**“Abused”** means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

**“Neglected”** means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

**“School employee”** means (a) a teacher, substitute teacher, school administrator, school Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (b) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Enfield Public Schools, pursuant to a contract with the Board.

## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program**

#### **3. What Must Be Reported (continued)**

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c. The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

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

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- a. The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.
- b. The employee shall also make an oral report as soon as practicable to the Building Principal or his/her designee, and/or the Superintendent or his/her designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or his/her designee directly.
- c. In cases involving suspected or believed abuse, neglect or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- d. Not later than forty-eight hours after making an oral report, the employee shall submit a written report to the Commissioner of Children and Families or the Commissioner's designee containing all of the required information. The written report should be submitted on the DCF-136 form or any other form designated for that purpose.

## Students

### Sexual Abuse and Assault Awareness/Prevention Program

#### 2. Definitions (continued)

**“Sexual assault”** means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

**“Statutory mandated reporter”** means an individual required by Connecticut General Statute Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term “statutory mandated reporter” includes all school employees, as defined above, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics and is eighteen years of age or older.

#### 3. What Must Be Reported

- a. A report must be made when any employee of the Board of Education in the ordinary course of such person’s employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:
  - i. has been abused or neglected;
  - ii. has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her;
  - iii. is placed at imminent risk of serious harm; or
- b. A report must be made when any employee of the Board of Education in the ordinary course of such person’s employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional Board of Education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
  - i. sexual assault in first degree;
  - ii. aggravated sexual assault in the first degree;
  - iii. sexual assault in the second degree;
  - iv. sexual assault in the third degree;
  - v. sexual assault in the third degree with a firearm; or
  - vi. sexual assault in the fourth degree.

## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program**

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

- e. The employee shall immediately submit a copy of the written report to the Building Principal or his/her designee and to the Superintendent or the Superintendent's designee.
- f. If the report concerns suspected abuse, neglect or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of Children and Families (or his/her designee) shall submit a copy of the written report to the Commissioner of Education (or his/her designee).

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

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

- a. When an employee who is a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.
  - i. The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected, placed at imminent risk of serious harm or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - ii. If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or is a victim of sexual assault by school employee, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters.
- b. Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of Children and Families.



## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program (continued)**

#### **6. Contents of Reports**

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

- a. The names and addresses of the child\* and his/her parents or other person responsible for his/her care;
- b. the age of the child;
- c. the gender of the child;
- d. the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e. the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f. information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g. the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- i. the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j. any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

\*For purposes of this Paragraph, the term "child" includes any victim of sexual assault by a school employee, as described in Paragraph 3, above.

#### **7. Investigation of the Report**

- a. The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided such investigation does not impede an investigation by the Department of Children and Families ("DCF"). In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.

## Students

### Sexual Abuse and Assault Awareness/Prevention Program

#### 7. Investigation of the Report (continued)

- b. Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student's sexual assault by school employees, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency. The Superintendent shall conduct the district's investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of Children and Families or the appropriate local law enforcement agency that the district's investigation will not interfere with the investigation of the Commissioner of Children and Families or the local law enforcement agency.
- c. The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- d. Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.
- e. When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the Enfield Public Schools, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Enfield Public Schools, pending the outcome of the investigation.

## Students

### Sexual Abuse and Assault Awareness/Prevention Program (continued)

#### 8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

- a. If, upon completion of the investigation by the Commissioner of Children and Families ("Commissioner"), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the Department of Children and Families child abuse and neglect registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b. Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- c. The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Connecticut General Statute §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- d. The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two hours after such termination or resignation.

## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program**

#### **8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee (continued)**

- e. Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.
- f. The Enfield Public Schools shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Connecticut General Statute §17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 3 of this policy.

#### **9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the Board of Education**

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the Enfield Public Schools, pursuant to a contract with the Board of Education, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Enfield Public Schools.

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

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

#### **11. Confidential Rapid Response Team**

No later than January 1, 2016, the Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 3, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

## **Students**

### **Sexual Abuse and Assault Awareness/Prevention Program (continued)**

#### **12. Disciplinary Action for Failure to Follow Policy**

Except as provided in Section 12 ~~13~~ below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The Enfield Public Schools shall not hire any person whose employment contract was previously terminated by a Board of Education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, regardless of whether an allegation of abuse or neglect or sexual assault was substantiated.

#### **14. Non-Discrimination Policy/Prohibition Against Retaliation**

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

#### **15. Distribution of Policy**

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 14 ~~16~~, below.

#### **16. Training**

- a. All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of Children and Families.
- b. All school employees, as defined above, shall retake a refresher training course developed and approved by the Commissioner of Children and Families at least once every three years.

## Students

### Sexual Abuse and Assault Awareness/Prevention Program

#### 16. Training (continued)

- c. The Principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

#### 17. Records

- a. The Board shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the Department of Children and Families. The State Department of Education shall have access to such records upon request.
- b. Notwithstanding the provisions of Connecticut General Statute §10-151c, the Board shall provide the Commissioner of Children and Families, upon request and for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of Superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

Legal Reference: Connecticut General Statutes  
17a-101q Statewide sexual abuse and assault awareness and prevention  
program (as amended by Section 415 of the June 2015 Special Session  
Public Act 15-5)  
A Statewide K-12 Sexual Assault and Abuse Prevention and Awareness  
Program developed by DCF, SDE, and Connecticut Alliance (The  
Alliance) to End Sexual Violence.

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

**Enfield Public Schools  
Enfield, Connecticut**

**Sexual Abuse Prevention and Education Program**

**Student Program Opt-Out Form**

Connecticut Law, Public Act 14-196, mandates that schools provide age-appropriate sexual abuse and assault awareness and prevention education in Kindergarten through Grade 12. The District will be utilizing instructional modules and developmentally appropriate educational material in each school and in all grades.

The age-appropriate materials for students may include skills in recognizing child sexual abuse and assault, boundary violations and unwanted forms of touching and contact, and ways offenders groom or desensitize victims and strategies to promote disclosure, reduce self-blame and mobilize bystanders.

In addition, the instructions will include actions child victims may take to get help, intervention and counseling options for child victims, access to educational resources to help child victims succeed in school and uniform procedures for reporting instances for child sexual abuse and assault to school staff.

The law allows students to opt-out of the awareness program or any part of it if the student's parent or guardian so notifies the District in writing.

Please sign this form **ONLY** if you **DO NOT** want your child to participate in this program.

Child's Name: \_\_\_\_\_

Child's Grade: \_\_\_\_\_ Child's Teacher: \_\_\_\_\_

**I DO NOT** want my child, named above, to participate in the sexual abuse awareness and prevention program that will be conducted by the \_\_\_\_\_ School District.

Parent/Guardian Name (Please Print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This form must be received at school by \_\_\_\_\_

If a parent/guardian does not submit this opt-out form, the student will participate in the program.

Students who do not participate in this program will be provided opportunities for study and/or school work when the student would otherwise be participating in the program.

**Relevant Excerpts of Statutory Definitions of Sexual Assault and Related Terms Covered  
by Mandatory Reporting Laws and This Policy**

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional Board of Education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

**"Intimate Parts" (Connecticut General Statute §53a-65)**

**"Intimate parts"** means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

**"Sexual Intercourse" (Connecticut General Statute §53a-65)**

**"Sexual intercourse"** means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

**"Sexual Contact" (Connecticut General Statute §53a-65)**

**"Sexual contact"** means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

**Sexual Assault in First Degree (Connecticut General Statute §53a-70)**

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in Section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.



**Aggravated Sexual Assault in the First Degree (Connecticut General Statute §53a-70)**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in Section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**Sexual Assault in the Second Degree (Connecticut General Statute §53a-71)**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional Board of Education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

**Sexual Assault in the Third Degree (Connecticut General Statute §53a-72a)**

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in Section 46b-21.

**Sexual Assault in the Third Degree with a Firearm (Connecticut General Statute §53a-72b)**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in Section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**Sexual Assault in the Fourth Degree (Connecticut General Statute §53a-73a)**

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional Board of Education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or

(8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Appendices B and C are optional to include with the policy, however they may be useful as part of training for staff members in identifying the signs of abuse and/or neglect of children.

### **Operational Definitions of Child Abuse and Neglect**

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut Department of Children and Families. For the purposes of these operational definitions,

- a person responsible for a child's health, welfare or care means:  
  
the child's parent, guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- a person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child for the purpose of education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined above may be classified as a victim of child abuse and/or neglect; only a "person responsible", "person given access", or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
- While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional Board of Education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

### **Physical Abuse**

**A child may be found to have been physically abused who:**

has been inflicted with physical injury or injuries other than by accidental means,

is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or

has injuries at variance with the history given of them.

**Evidence of physical abuse includes:**

bruises, scratches, lacerations; burns, and/or scalds;  
reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc. injuries to bone, muscle, cartilage, ligaments:  
- fractures, dislocations, sprains, strains, displacements, hematomas, etc.  
head injuries;  
internal injuries;  
death;  
misuse of medical treatments or therapies;  
malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion;  
deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child;  
cruel punishment.

**Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

Rape;  
penetration: digital, penile, or foreign objects;  
oral/genital contact;  
indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;  
incest;  
fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim sexual exploitation, including possession, manufacture, or distribution of child pornography, online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website;  
coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior;  
disease or condition that arises from sexual transmission;  
other verbal, written or physical behavior not overtly sexual but likely designed to "groom" a child for future sexual abuse.

**Legal References: Federal Law 18 U.S.C. 2215 Sexual Exploitation of Children.**

## **Emotional Maltreatment-Abuse**

### **Emotional Maltreatment-Abuse is:**

act(s), statement(s), or threat(s), which has had, or is likely to have an adverse impact on the child; and/or  
interferes with a child's positive emotional development.

### **Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;  
degrading;  
isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or  
exposing the child to brutal or intimidating acts or statements.

### **Indicators of adverse impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;  
withdrawal;  
low self-esteem;  
anxiety;  
fear;  
aggression/passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression;  
and/or trust issues.

## **Physical Neglect**

### **A child may be found neglected who:**

has been abandoned;  
is being denied proper care and attention physically, educationally, emotionally, or morally;  
is being permitted to live under conditions, circumstances or associations injurious to his well-being; and/or  
has been abused.

**Evidence of physical neglect Includes, but is not limited to:**

inadequate food;  
malnutrition;  
inadequate clothing;  
inadequate housing or shelter;  
erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;  
permitting the child to live under conditions, circumstances or associations injurious to his well-being including, but not limited to, the following:

- substance abuse by caregiver, which adversely impacts the child physically;
- substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs;
- psychiatric problem of the caregiver which adversely impacts the child physically;
- exposure to family violence which adversely impacts the child physically exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety;
- non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, e.g. persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Registry;
- non-accidental or negligent exposure to pornography or sexual acts;
- inability to consistently provide the minimum of child-caring tasks;
- inability to provide or maintain a safe living environment;
- action/inaction resulting in death;
- abandonment;
- action/inaction resulting in the child's failure to thrive;
- Transience;
- inadequate supervision:
  - creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities;
  - holding the child responsible for the care of siblings or others beyond the child's ability;
  - failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

**Note:** Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.

**Medical Neglect**

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

**Evidence of medical neglect includes, but is not limited to:**

- frequently missed appointments, therapies or other necessary medical and/or mental health treatments;
- withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or
- withholding medically indicated treatment from disabled infants with life threatening conditions.

**Note:** Failure to provide the child with immunizations or routine well child care in and of itself does not constitute medical neglect.

**Educational Neglect**

Except as noted below, **Educational Neglect** occurs when, by action or inaction, the parent or person having control of a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate

- fails to register the child in school;
- fails to allow the child to attend school or receive home instruction in accordance with Connecticut General Statute §10-184;
- failure to take appropriate steps to ensure regular attendance at school if the child is registered.

**Exceptions (in accordance with Connecticut General Statute §10-184)**

A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

**Note:** Failure to sign a registration option form for such a child is not in and of itself educational neglect.

A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

**Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.



**Evidence of emotional neglect Includes, but is not limited to, the following:**

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention and affection;
- permitting the child to live under conditions, circumstances or associations; injurious to his well-being including, but not limited to, the following:
  - substance abuse by caregiver, which adversely impacts the child emotionally;
  - psychiatric problem of the caregiver, which adversely impacts the child emotionally; and
  - exposure to family violence which adversely impacts the child emotionally.

**Indicators may include, but are not limited to, the following:**

depression;  
withdrawal;  
low self-esteem;  
anxiety;  
fear;  
aggression/passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression;  
trust issues.

**Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

stealing;  
using drugs and/or alcohol;  
and involving a child in the commission of a crime, directly or by caregiver indifference.

## **Indicators of Child Abuse and Neglect**

### **Indicators of Physical Abuse**

#### **Historical**

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

#### **Physical**

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

#### **Behavioral**

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

## **Indicators of Sexual Abuse**

### **Historical**

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

### **Physical**

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

### **Behavioral**

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

## **Indicators of Emotional Abuse**

### **Historical**

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

**Physical**

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

**Behavioral**

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

**Indicators of Physical Neglect**

**Historical**

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

**Physical**

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

**Behavioral**

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

*A new recommended policy.*

## **Students**

### **Transgender and Gender Non-Conforming Youth**

#### **Purpose**

Federal and state law and District policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and District staff to address the needs of transgender and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

#### **Definitions**

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. It is recognized that students might or might not use these terms to describe themselves.

**"Gender identity"** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. One's gender identity can be the same or different than the gender assigned at birth. Everyone has a gender identity.

**"Transgender"** describes people whose gender identity, expression or behavior is different from those typically associated with an assigned sex at birth.

**"Gender expression"** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

**"Gender non-conforming"** describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify both genders.

## Students

### Transgender and Gender Non-Conforming Youth

#### Definitions (continued)

**“Cisgender”** refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

**“Gender Fluid”** may be a form of both gender identity and gender expression. It generally describes individuals who may not identify as the same gender all the time, and whose gender expression may change accordingly.

**“Gender Minority”** is an umbrella term referring to individuals not identifying as cisgender.

**“Gender Transition”** is the process in which a person changes their gender expression to better reflect their gender identity. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their gender identity; and generally living and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity. Transitioning may or may not include changing identity documents (e.g., driver’s license, Social Security record) to reflect one’s gender identity.

**“Bullying”** means the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district that (1) causes physical or emotional harm to such student or damage to such student’s property, (2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (3) creates a hostile environment at school for such student, (4) infringes on the rights of such student at school, or (5) substantially disrupts the education process or the orderly operation of a school.

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

**“Harassment”** means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, sexual identity or expression, or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

## Students

### Transgender and Gender Non-Conforming Youth (continued)

#### Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

#### Official Records

The District is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

**Note:** A review of Connecticut statutes and regulations and other legal resources has not provided a legal basis requiring a court order prior to changing a student's official record to reflect a change in legal name or legal gender. It is a common practice to require documentation to change a student's legal name or gender pursuant to a court order or through amendment of state or federally-issued identification. However, under FERPA\*, a school must consider the request of a minor student's education records that is inaccurate, misleading, or in violation of the student's privacy rights. Consider, therefore, the following language as an alternative to the above. \*(Family Educational Rights and Privacy Act)

The District recognizes, under FERPA, that a student has the right to request the school to change his/her name and gender on such student's school records if the student or parent/guardian, if such a student is under 18 years of age, believe the records are incorrect, misleading, or violate a student's privacy. (In general, a school should treat requests to change student records based on transgender status no differently than it would treat any other request for a change to student records.) Upon such a request, schools should correct student education records to accurately reflect the student's chosen name and gender identity, regardless of whether the student has completed a legal name change.



## **Students**

### **Transgender and Gender Non-Conforming Youth (continued)**

#### **Names/Pronouns**

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

#### **Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be included in the group that corresponds to their gender identity.

#### **Student Information Systems**

The District shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.

#### **Restroom Accessibility**

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are transgender or gender non-conforming.

#### **Locker Room Accessibility**

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).

## **Students**

### **Transgender and Gender Non-Conforming Youth**

#### **Locker Room Accessibility (continued)**

Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

#### **Physical Education Classes & Intramural Sports**

Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

#### **Interscholastic Competitive Sports Teams**

Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Connecticut Interscholastic Athletic Association (CIAC).

#### **Dress Codes**

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, District schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

#### **Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

#### **Transferring a Student to Another School (Opportunity Transfers)**

In general, schools should aim to keep transgender and gender non-conforming students at the original school site. Opportunity transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent/guardian. The student or the student's parent or guardian must consent to any such transfer.

## Students

### Transgender and Gender Non-Conforming Youth (continued)

#### Professional Development

The Board of Education directs the Superintendent to provide for the training of District staff in transgender sensitivity, in what it means to treat all people respectfully and equally. Developmentally age-appropriate training shall also be provided for students.

- (cf. 0521 – Nondiscrimination)
- (cf. 4131 – Staff Development)
- (cf. 5114 – Suspension and Expulsion/Due Process)
- (cf. 5131 – Conduct)
- (cf. 5131.21 – Violent and Aggressive Behavior)
- (cf. 5131.8 – Out-of-School Misconduct)
- (cf. 5131.912 – Aggressive Behavior)
- (cf. 5131.913 – Cyberbullying)
- (cf. 5131.91 – Hazing)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.6 – Student Grievance Procedure)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)

Legal Reference: Connecticut General Statutes

1-1n “Gender identity or expression” defined.

10-15c Discrimination in public school prohibited. (Amended by P.A. 97-247 to include “sexual orientation” and PA 11-55 to include “gender identity or expression”)

46a-51 Definitions.

46a-58(a) Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty.

46a-60 Discriminatory employment practices prohibited Federal Law.

46a-64(a)(1)(2) Discriminatory public accommodations practices prohibited. Penalty.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

## Students

### Transgender and Gender Non-Conforming Youth

Legal Reference: Connecticut General Statutes (continued)

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation.

Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681(a).

*Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986).

*Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26, 1998).

*Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26, 1998).

*Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26, 1998).

*Davis v. Monroe County Board of Education*, No. 97-843 (U.S. Supreme Court, May 24, 1999).

Federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g

“Guidance on Civil Rights Protections and Supports for Transgender Students,” Connecticut State Department of Education, June 2017

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*A required policy concerning Title IX.***Students****Student Grievance Procedures (Title IX)****Designation of Responsible Employee**

The Board of Education shall designate an individual as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The designee, the District's Compliance Officer, shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

**Grievance Procedure**

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. Grievance procedures are set forth in administrative regulations.

**Dissemination of Policy**

The Superintendent of Schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

Legal Reference: 20 U.S.C. 1681 – Title IX of the Educational Amendments of 1972

34 C.F.R. Part 106 – Title IX of the Educational Amendments of 1972

Policy adopted:

ENFIELD PUBLIC SCHOOLS  
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)