

Existing policy, number 5111 adopted 9/22/09, appropriate as written, with addition of legal reference.

Students

Age of Initial Entrance into the School System

Kindergarten

To be eligible for entrance into kindergarten at the opening of school in September of any year, a child must be five years of age on or before January 1st of that school year.

Legal Reference: Connecticut General Statutes
10-15 Towns to maintain schools
10-15c Discrimination in public schools prohibited. School attendance by five-year olds, as amended by PA 97-247
10-76a - 10-76g re special education
10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) - as amended by PA 98-243, PA 00-157 and PA 09-6 (September Special Session)
10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, as amended.
10-220h Transfer of student records, as amended.
P.A. 11-115 An Act Concerning Juvenile Reentry and Education
10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils
10-233c Suspension of pupils
10-233d Expulsion of pupils
10-233k Notification of school officials of potentially dangerous students. (as amended by PA 01-176)
10-261 Definitions
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-76d-7 Admission of student requiring special education (referral)
10-204a Required immunizations (as amended by PA 98-243)
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Plyler vs. Doe, 457 U.S. 202 (1982)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Students

Ages of Attendance

Admission

District schools shall be open to all children five years of age and over who reach age five by January 1st of any school year. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin or sexual orientation. Exceptions from routine admission may be made by the school Principal on the basis of supporting evidence from physical and psychological examinations.

Parents and those who have the care of children age five to eighteen years of age inclusive are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. The parent or person having legal guardianship of a child sixteen or seventeen years of age must consent to such child's withdrawal from school. For the school year commencing July 1, 2011 and each school year thereafter, the parent or person having control of a child seventeen years of age may consent to such child's withdrawal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form. Such withdrawal form shall include an attestation form a guidance counselor or school administrator of the school that the district has provided the parent or person with information on the educational options available in the school system and in the community. If a child is eighteen years of age or older, he/she is not required to attend school.

The parent or person having legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age by December 31st of any school year. The parent or person having legal guardianship of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by December 31st of any school year.

The parent or person having legal guardianship shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person having legal guardianship with information on the educational opportunities available in the school system.

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. If the parents or guardians of any children are unable to pay for such immunizations and/or physicals, the expense of such immunizations and/or physicals shall on the recommendation of the Board, be paid by the Town. Proof of domicile may also be requested by the Building Principal.

Students

Ages of Attendance (continued)

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

Children who have attained the age of seventeen and who have voluntarily terminated enrollment in the district's schools and subsequently seek readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to the District not later than ten (10) school days after such termination in which case the Board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

Provisions for Special Education

According to Connecticut General Statute 1-76d(b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

Alternative School Placement

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. 5118.1 – Homeless Students)
(cf. 5118.3 – Children in Foster Care)

Legal Reference: Connecticut General Statutes

10-15 Towns to maintain schools

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds

10-76a - 10-76g re special education

10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) as amended by PA 98-243, PA 00-157, and PA 09-6 (September Special Session)

Students

Ages of Attendance

Legal Reference: Connecticut General Statutes (continued)

10-186 Duties of local and regional boards of education re school attendance. Hearings. (Amended by PA 96-26 An Act Concerning Graduation Requirements and Readmission and Placement of Older Students and PA 09-6 (September Special Session))

Appeals to State Board. Establishment of hearing board

10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils

10-233c Suspension of pupils

10-233d Expulsion of pupils

10-261 Definitions

State Board of Education Regulations

10-76a-1 General definitions (c) (d) (q) (t)

10-76d-7 Admission of student requiring special education (referral)

10-204a Required immunizations (as amended by PA 98-243)

McKinney-Vento Homeless Assistance Act (PL 107-110 Sec. 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95

Federal Register: McKinney-Vento Education for Homeless Children & Youths Program, Vol. 81 No. 52, 3/17/2016

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

ACKNOWLEDGMENT OF OPTION TO EXEMPT ATTENDANCE OF
CHILD FIVE OR SIX YEARS OF AGE FROM SCHOOL

Pursuant to Section 10-184 of the Connecticut General Statutes,

I _____, of _____
Name of Parent, Guardian or Other *Address*

the parent, guardian or other person charged with the care of the following minor child

_____, of _____ who was
Name of Child *Address*

born on _____ do hereby choose not to send my child to public
Date

school during the _____.
School Year

Furthermore, before signing this form, a representative of the _____
Name of District

school district met with me and provided me with information concerning the educational
opportunities and school accommodations available in the school system.

ACKNOWLEDGED BY:

Signature of Parent, Guardian or Other

Date

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

ACKNOWLEDGMENT OF OPTION TO WITHDRAW CHILD
SEVENTEEN YEARS OF AGE FROM SCHOOL

Pursuant to Section 10-184 of the Connecticut General Statutes,

I _____, of _____
Name of Parent, Guardian or Other *Address*

the parent, guardian or other person charged with the care of the following minor child

_____, of _____
Name Child *Address*

born on _____ do hereby elect to withdraw from public school.
Date of birth

Furthermore, before signing this form, a representative of the _____
Name of District

school district met with me and provided me with information concerning the educational
options available in the school system and the community.

ATTESTMENT BY:

Signature of School Counselor *Date*

OR

Signature of School Administrator *Date*

ACKNOWLEDGED BY:

Signature of Parent, Guardian or Other *Date*

A child seventeen years of age or older who voluntarily terminates enrollment in a school district and subsequently seeks readmission, the local or regional board of education for the school district may deny school accommodations to the child for up to ninety school days from the date of such termination. Unless the child seeks readmission to the school district not later than ten school days after the termination in which case the board shall provide school accommodations to the child not later than three school days after the child seeks readmission.

Existing policy, numbered 5113 adopted 6/14/16, with suggested modifications and addition of legal reference.

Students

Attendance Policy K-12

Connecticut law requires that children attend school regularly during the hours and terms that the public school is in session, unless specifically exempted from attendance by law. The Superintendent of Schools shall establish such procedures as deemed necessary to determine the cause of habitual truancy, including medical verification for excessive absence, and shall cooperate with other private and governmental agencies in correcting the causes thereof.

Experience indicates that regular school attendance is important for school success. These regulations reflect our belief that classroom learning activities are an essential part of the curriculum for all students and are intended to reduce tardiness and absence from class.

The Connecticut Board of Education adopted new definitions for an absence to be considered excused (see table below). It is important to note that while the first nine absences in a school year can be deemed excused for any reason the parent or guardian provides, the tenth and each subsequent absence establish a more stringent and specific set of reasons for the absence to qualify as excused.

In cases of an excused absence other than family-initiated travel, appropriate provisions will be made by school staff regarding assistance with missed assignments, homework and tests. When an excused absence is the result of family initiated travel, teachers are under no obligation to provide advance assignments or to review work missed during the period of absence. However, students must be allowed to take make-up tests. The student's Principal/Assistant Principal must be notified in writing of extended absences due to family-initiated travel.

The State Board of Education defines two levels of criteria for an absence to be considered an excused absence (see table below).

Level	Total # of Days Absent*	Acceptable Reasons for a Student Absence to be Considered Excused	Documentation Required Within 10 Days
1	One through nine	<ul style="list-style-type: none"> Any reason that the student's parent or guardian approves. 	Parent or guardian note or phone call.
2	Ten and above	<ul style="list-style-type: none"> Student illness (<i>Note: to be deemed excused, an appropriately licensed medical professional must verify all</i>). The lack of transportation that is normally provided by a district other than the one the student attends (parental documentation is not required for this reason). 	Parent or guardian note and in some cases additional documentation (see details of specific reason).

Students

Attendance Policy K-12 (continued)

Level	Total # of Days Absent*	Acceptable Reasons for a Student Absence to be Considered Excused	Documentation Required Within 10 Days
2 (cont.)	Ten and above	<ul style="list-style-type: none"> • Student's observance of a religious holiday. • Death in the student's family or other emergency beyond the control of the student's family. • Mandated court appearances (additional documentation required). • The lack of transportation that is normally provided by a district other than the one the student attends (parental documentation is not required for this reason). • Extraordinary education opportunities pre-approved by district administrators. (Opportunities must meet certain criteria. See below for details). 	Parent or guardian note and in some cases additional documentation (see details of specific reason).

* Note: The total number of days absent includes both excused and unexcused absences.

Definitions

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

"Absence" means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education or an in-school suspension that is greater than or equal to one-half of a school day.

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

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

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

Students

Attendance Policy K-12

Definitions (continued)

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

Excused Absences (Grades K - 12)

A student's absence from school shall be considered excused if written documentation of the reason for the absence has been submitted within ten school days of the student's return to school or in accordance with Section 10-210 of the Connecticut General Statutes and meets the following criteria:

- A. For absences one through nine, a student's absences from school are considered excused when the student's parent/guardian approves such absence and submits appropriate documentation; and
- B. For the tenth absence and all absences thereafter, a student's absences from school are considered excused for the following reasons:
 1. student illness (**Note:** all student illness absences must be verified by an appropriately licensed medical professional to be deemed excused, regardless of the length of absence);
 2. student's observance of a religious holiday;
 3. death in the student's family or other emergency beyond the control of the student's family;
 4. mandated court appearances (additional documentation required);
 5. the lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation is required for this reason); or
 6. extraordinary educational opportunities pre-approved by district administrators and in accordance with Connecticut State Department of Education guidance.

Excused Absences for Children of Service Members

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

Students

Attendance Policy K-12 (continued)

Chronic Absenteeism

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

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

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

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. *(SDE to develop by 1/1/16.)*

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

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

Unexcused Absences

A student's absence from school shall be considered unexcused unless they meet one of the following criteria:

1. the absence meets the definition for an excused absence (including documentation requirements); or
2. the absence meets the definition of a disciplinary absence.

Students

Attendance Policy K-12 (continued)

Responsibilities of the School Community

Student:

- Report to school on time (Grades K-12)
- Follow the procedure for excused absences (Grades K-12)
- Report to class on time (Grades 6-12)
- Make-up work due to absence

Family:

- Call the appropriate school office to indicate that your child will be absent within 48 hours in order to avoid the legal ramifications of truancy
- Provide the school with updated and accurate contact information for parents/guardians and for emergency contacts
- Stress the importance of regular school attendance with your child
- Monitor attendance in the Enfield Public School database (HAC)
- Have your child complete all missed work
- Schedule appointments after school hours
- Limit vacation to scheduled school vacations
- Contact the main office of the school to initiate a review of your child's absences
- Refer to grade appropriate Student-Family Handbook for detailed procedures

School:

- Keep accurate attendance records, including a record of calls or notes regarding absences or tardiness
- Notify parent/guardian of any absences from school (based on accurate contact information provided in eSchool)
- District attendance letters to parents as indicated below:

-5 th absence	letter #1
-9th absence	letter #2
-10 th absence	letter #2
-After the 10 th absence	letter #2 every 5 th absence (ex. 15 th , 20 th , 25 th etc.)
- High School administration will notify parent(s)/guardian(s) by mail as follows:

a. Semester Courses:	5 th absence – warning
	11 th absence – loss of credit
b. Yearlong Courses:	10 th absence – warning
	21 st absence – loss of credit

Students

Attendance Policy K-12

Responsibilities of the School Community

School: (continued)

- Take all actions necessary to ensure the success of the students which may include parent/guardian conferences, counseling and the use of community services to address student needs
- Publish attendance procedures in the Student-Family/Faculty Handbook

Community:

- Encourage and verify regular school attendance as a prerequisite of student employment
- Encourage area businesses to refrain from allowing students to congregate during school hours
- Do all that is possible under current law to ensure that all students attend school regularly

Early Dismissal from School (Grades K-12)

Any dismissal from school can only be authorized by the school office or building administrator(s). Parent(s)/guardian(s) that wish their child to be dismissed early should send the student to school with a signed note stating the time of dismissal. This note should be presented to the school administration before homeroom period or in the morning on the day of the dismissal. Parent(s)/guardian(s) are to sign out their child in the main office. For the protection and safety of the student, dismissals are routinely made only to the parent(s)/guardian(s) of that student. If there are special circumstances that necessitate someone other than the parent(s)/guardian(s) to pick up the student, their name should be stated in the dismissal note.

Tardy to School (Grades K-12)

Tardy to school is defined as a student that enters the school building after the start of the school day or homeroom period. Ensuring that a student arrives to school on time is a parental responsibility. If a student arrives late to school, they need to report to the school office/house office to sign in. The student needs to bring a signed note from a parent(s)/guardian(s) to explain their tardiness.

Additional Information (Grades 9-12)

Since the classroom is the primary area where most learners experience the acquisition of knowledge, it becomes apparent that attendance in class is a valid, reasonable requirement. It is the position of the Board of Education that mandatory attendance by students is required. The following attendance procedures have been developed to encourage students and parent(s)/guardian(s) to minimize absences in order to gain the maximum benefits from daily classroom activities. Students who fail to meet their responsibilities may lose course credit.

Students

Attendance Policy K-12 (continued)

I. Attendance to School

1. While the above stated reasons for absences are classified as excused, they will count toward the total number of absences when determining course credit. Suspensions from school do not count towards the total number of absences for loss of credit.
2. Students who are participating in school sponsored activities will be considered present for attendance purposes.
3. Students who exceed ten (10) absences in semester courses, and twenty (20) absences in yearlong courses, will lose full course credit.
4. At the time of notification, the student will be required to date and sign the warning/loss of credit sheet, indicating the impact of the student's attendance on his/her credits. Notification may be sent home unsigned if the student's absenteeism prevents the student from signing the notification in a timely manner. Students who lose credit as a result of this policy, will be given an opportunity to appear before an Appeals Committee.

The intent of this policy is not to say that a certain number of absences from school or a course are acceptable or allowable.

A. Unexcused Absences

A student's absence from school shall be considered unexcused unless they meet one of the following criteria:

1. The absence meets the definition for an excused absence (including documentation requirements);
2. The absence meets the definition of a disciplinary absence;
3. Students who stay out of school for an entire school day without parental or school consent are considered truant.
4. After each truancy, the student will receive a written notification of possible loss of course credit in accordance with the following procedures:
 - a. Upon the student's first truancy from school or from an individual class, the student shall be issued a written warning that an additional truancy from school or from the specified class, will result in a loss of $\frac{1}{4}$ credit in any classes from which the student was truant. The student shall be required to sign this notification. Notification may be sent home unsigned if the student's absenteeism prevents the student from signing the notification in a timely manner. The student shall be provided a copy of this notification. Additional copies shall be maintained in the student's records.

Students

Attendance Policy K-12 (continued)

I. Attendance to School

A. Unexcused Absences

- b. Upon the student's second truancy from school or from an individual class, the student shall be issued a written notification that he/she has lost $\frac{1}{4}$ credit in any classes from which the student was truant. The student shall be required to sign this notification. Notification may be sent home unsigned if the student's absenteeism prevents the student from signing the notification in a timely manner. The student shall be provided a copy of this notification. Additional copies shall be maintained in the student's records.
- c. A similar pattern of warnings and credit losses will be followed for subsequent truanies. A third truancy from school or from a specified class will result in a warning for potential loss of credit. A fourth truancy from school or from a specified class will result in an additional loss of credit.
5. These absences will also count towards the total number of absences under the attendance policy.
6. Students will receive a zero (0) for all schoolwork on the day of truancy.

B. Participation in After-School Activities

1. Students who are absent from school will not be allowed to participate in any after school activity on the day of the absence.
2. Students absent on Fridays will not participate in Friday or weekend events.
3. At the discretion of the Building Principal, or the Principal's designee, tardy students who have established a pattern of tardiness, may be suspended from after school activities for that day.
 - a. A pattern of tardiness shall be defined as three or more unexcused tardies in a given marking period.
 - b. Students who have established a pattern of tardiness are to be warned that continued tardiness would result in suspension from after school activities before such suspensions are to take place.
 - c. The decision of the Building Principal or the Principal's designee is final.
 - d. The Principal or the Principal's designee is to notify the student's coach or activity advisor of such a suspension.

Students

Attendance Policy K-12 (continued)

I. Attendance to School

C. Class Attendance

A. Tardiness to Class

1. Excused Tardies to Class
 - a. Students who arrive late to class are expected to obtain a pass from a teacher or administrator, excusing their tardiness.
 - b. Students have up to 24 hours to secure an official pass for the tardiness; otherwise it will be considered an unexcused tardy to class.
2. Unexcused Tardies to Class
 - a. Unexcused tardies to class will be treated as part of the attendance policy.
 - b. Every two (2) unexcused tardies will be the equivalent of one (1) absence from class and will be included in the total number of absences that cannot be exceeded in order to gain course credit.
 - c. Students who arrive to class after the mid-point of the period without a pass excusing their tardiness, will be charged with an unexcused absence.
 - d. Students will be subject to disciplinary action for each unexcused tardy in the form of teacher detention, office detention or possible suspension from school.
 - e. Teachers will notify parent(s)/guardian(s) when a student is developing a pattern of habitual tardiness to class.

B. Unexcused Absences from Class

1. Students who deliberately miss class will be subject to disciplinary action in the form of administrative detention and possible suspension from school.
2. Students will receive a zero (0) for all schoolwork missed.
3. Unexcused absences from class will result in possible loss of course credit in accordance with Section I, Part A, Item 2.
4. These absences are also included in the total accumulated per class.

Students

Attendance Policy K-12 (continued)

I. Attendance to School

C. Class Attendance

C. Dismissals from School

1. Included here are classes missed when a student has an early dismissal. The only acceptable reasons for leaving school early are those stated in the section dealing with excused absences from school.
2. Dismissals from class due to activities such as field trips, band lessons, and other school sponsored activities, will not count towards the total number of course absences.

II. Appeal Procedure

- A. Any student who has lost credit as a result of any portion of the attendance policy may request from his/her Assistant Principal, a hearing for the purpose of restoring the credit.
- B. The student may meet with his/her guidance counselor and submit a written explanation for the reason(s) why the credit should be restored.
- C. The completed request form is to be returned to the student's Assistant Principal no less than five (5) school days before the end of the quarter. Appeals filed after that date; will not be heard unless the student was notified of his/her loss of credit after that date. In such cases, students are to file their appeals to the Appeals Committee during that quarter.
- D. An Appeals Committee will meet at least quarterly. The voting members of the Appeals Committee will consist of an administrator, a guidance counselor (or a neutral teacher), and a neutral teacher.
- E. The Appeals Committee may re-instate credit for absences in excess of ten (10) for semester courses, twenty (20) for yearlong courses, or for unexcused absences.
 1. Re-instatement of credit may only be granted when the excessive or unexcused absenteeism is the result of extraordinary circumstances.
 2. The Appeals Committee may grant waivers on a conditional basis, requiring changes in student behaviors to validate the waiver.
- F. The student and parent(s)/guardian(s) will have the opportunity to present all corroborating information in support of the appeal at the hearing.
- G. The Appeals Committee will render a decision within three (3) school days after the conclusion of the hearing and so notify the parent(s)/guardian(s) and student of the decision in writing.
- H. The decision of the Appeals Committee panel is final.

Students

Attendance Policy K-12 (continued)

III. Credit Loss/Restoration

- A. Students who lose course credit due to the attendance policy may be permitted to remain in the course and receive a grade for the following purposes: to maintain full-time student status, G.P.A. computation, eligibility for summer school, eligibility for extracurricular activities and for the student's transcript.
- B. Credit lost due to the attendance policy may be restored by one of the following methods:
 1. Repeat the course during the school year.
 2. Attend summer school (provided summer school requirements are satisfied).
 3. Repeat the course during the summer at an approved college.

- IV. The Board of Education recognizes the seriousness of absenteeism and authorizes the Superintendent of Schools to develop administrative regulations to implement this policy.

Legal Reference	Connecticut General Statutes
	10-220(c) Duties of boards of education (as amended by PA 15-225)
	10-184 Duties of parents (as amended by PA 98-243 and PA 00-157)
	10-185 Penalty
	10-198a Policies and procedures concerning truants (as amended by PA11-136, An Act Concerning Minor Revisions to the Education Statutes and PA 14-198, An Act Concerning Excused Absences from School for Children of Service Members, and PA 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee)
	10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absence"
	10-198c Attendance review teams.
	10-198d Chronic absenteeism (as amended by PA 17-14)
	45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)
	10-199 through 10-202 Attendance, truancy - in general
	Action taken by State Board of Education on January 2, 2008, to define "attendance."
	Action taken by State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.
	PA 17-14 An Act Implementing the Recommendations of the Department of Education

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A policy required by federal law.

Students

Homeless Students

The Board shall make reasonable efforts to identify homeless children and youths within the district, encourage their enrollment in school and eliminate existing barriers to their education, which may exist in district policies or practices, in compliance with all applicable federal and state laws.

Optional Language:

The District administration shall attempt to remove existing barriers to school attendance by homeless children or youth, which may include:

- A. **Records** – The selected school for the homeless student shall enroll the child or youths even in the absence of records normally required for enrollment. The last school in which the student was enrolled shall be contacted to obtain records.
- B. Other enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the Superintendent.
- C. **Grade Level Placement** – If the District is unable to determine the student's grade level due to missing or incomplete records, the District shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
- D. Fees and charges, which may present a barrier to the enrollment or transfer of a homeless child or youth, shall be waived.
- E. Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.
- F. Official school records, policies, and regulations shall be waived at the discretion of the Superintendent, in compliance with federal and state regulations.
- G. **Immunization Records** – The District shall make a reasonable effort to locate immunization records from information available. The District's liaison shall assist the parent/guardian in obtaining the necessary immunizations and records. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of Board of Education policy on immunizations.
- H. Other barriers to school attendance by homeless children or youth may be waived at the discretion of the Superintendent of Schools.

Further, it is the policy of the Board of Education that no child or youth shall be discriminated against or stigmatized in this school district because of homelessness. Homeless students, as defined by federal and state statutes, residing within the district or residing in temporary shelters in the district are entitled to free school privileges.

Students

Homeless Students (continued)

Homeless students shall not be separated from the mainstream school environment on the basis of their homelessness. Such students shall have access to education and other services they need to meet the same challenging State academic standards to which all students are held.

Homeless students within the district not placed in a shelter remain the district's responsibility to provide continued educational services. Such services for the child may be:

1. continued in the school ("school of origin") that the student attended when permanently housed or the school of last enrollment; or
2. provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

To the extent feasible, a homeless child will be kept in the school of origin, unless it is against the wishes of the parent/guardian. If placement in the school of origin is not feasible, the homeless student must be placed in the school that is attended by other students living in the same attendance area in which the homeless child lives.

The District will provide a written explanation, including the right to appeal, whenever the District sends a homeless student to a school other than the school of origin, a school requested by the parent/guardian or unaccompanied youth.

Homeless children shall be provided educational services that are comparable to those provided to other students enrolled in the District, including but not limited to, Title I, transportation services, compensatory educational programs, gifted and talented, special education, ESL, health services and food and nutrition programs, and preschools operated by the District, if they meet the established criteria for these services.

The Superintendent of Schools shall refer identified homeless children under the age of eighteen who may reside within the school district, unless such children are emancipated minors, to the Connecticut Department of Children and Families (DCF).

The district administration shall attempt to remove existing barriers to school attendance by homeless emancipated minors and youth eighteen years of age:

1. The selected school for the homeless child shall enroll the child, even in the absence of records normally required for enrollment. The last school enrolled shall be contacted to obtain records.
2. Other enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the Superintendent. If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.

Students

Homeless Students (continued)

3. Fees and charges, which may present a barrier to the enrollment or transfer of a homeless child or youth, may be waived at the discretion of the Superintendent.
4. Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations. If the school of origin is in a different school district from where the homeless child or youth is currently living, both school districts shall agree on a method for sharing the responsibility and costs, or share the costs equally.
5. Official school records policies and regulations shall be waived at the discretion of the Superintendent, in compliance with federal statutes.
6. The district shall make a reasonable effort to locate immunization records from information available. The District's liaison shall assist the parent/guardian in obtaining the necessary immunizations and records. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of Board of Education policy on immunizations.
7. The Board will provide any homeless student, who is not in the physical custody of a parent/guardian, full access to his/her educational records, including medical records, in the Board's possession.
8. Other barriers to school attendance by homeless children or youth may be waived at the discretion of the Superintendent of Schools.
9. The District will treat information about a homeless child or youth's living situation as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA). Such information shall not be deemed to be directory information.

The District's educational liaison for homeless children is _____. The liaison must assist homeless children and youth, as described within the administrative regulations, in the placement/enrollment decisions, considering the youth's wishes and provide notice of appeal under the Act's enrollment disputes provisions. The liaison shall also participate in State provided professional development programs for local liaisons.

Students residing in a temporary shelter are entitled to free school privileges from the district in which the shelter is located or from the school district where they would otherwise reside if not for the placement in the temporary shelter. The district in which the temporary shelter is located shall notify the district where the student would otherwise be attending. The district so notified may choose to either:

1. continue to provide educational services, including transportation between the temporary shelter and the school in the home district; or
2. pay tuition to the district in which the temporary shelter is located.

Students

Homeless Students (continued)

The Superintendent shall develop regulations, to ensure compliance with applicable statutes in the implementation of this policy.

(cf. 5143 - Student Health Assessments and Immunizations)
(cf. 5146 - Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes
10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters. (as amended by PA 17-194)
17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order.
17a-103 Reports by others.
17a-106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.
46b-120 Definitions.
PA 17-194 An Act Concerning Access to Student Records for Certain Unaccompanied Youths
McKinney-Vento Homeless Assistance Act, (PL 107-110-Sec 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95.
Federal Register: McKinney-Vento Education for Homeless Children and Youths Program, Vol. 81, No. 52, 3/17/2016.
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.)
Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. Implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, number 5118 adopted 9/22/09, appropriate as written, with addition of legal reference.

Students

Non-Resident Students and Students Relocating

Section 1 – Students of Parents Moving into Enfield

Students who are to be residents of Enfield within a given school year but who are not in residence at the time of their entrance into the Enfield schools may attend the Enfield schools without a tuition charge being made, but only under the following conditions:

- a. Application for such attendance must be made in writing and some evidence of proof of eventual residency must be presented to the Superintendent of Schools.
- b. Such tuition-free attendance will be effective only up to forty (40) school days from the time the student enters the Enfield schools.
- c. An extension of the time stipulated above may be made under unusual circumstances only at the discretion of the Board of Education, providing further written application is made by the parents.
- d. Transportation of such students during the period of non-residency shall be the responsibility of the parents.

Section 2 – Students of Parents Moving Away from Enfield

- a. Students who have been in attendance in the Enfield Schools in a given school year may continue in attendance for the remainder of the school year without a tuition charge being made even though the family residence has been changed to another town; providing, in the judgment of the Superintendent of Schools, the education of the student would be detrimentally effected by a change of school during the year and the stipulation of paragraph “c” of this section has been met.
- b. Permission for such non-resident students to attend the Enfield Public Schools without a tuition charge will be granted only if in the opinion of the Superintendent of Schools, the student has given evidence of responsible citizenship, proper attitude and serious effort during the time the student has been in attendance in the Enfield Schools. These standards in citizenship, attitude and effort must be maintained as long as the student attends the Enfield Public Schools.
- c. Transportation of such students during the period of non-residency shall be the responsibility of the parents.

Students

Non-Resident Students and Students Relocating (continued)

Section 3 – Students of Parents Moving Within the Town of Enfield to a Residence Located in a Zone Assigned to a Different Enfield School

- a. Students who have been in attendance in a particular Enfield school may continue in attendance at that school for the remainder of the school year even though the family residence has changed to a different Enfield school neighborhood, providing, in the judgment of the Superintendent of Schools, the education of said student would be detrimentally effected by a change of schools during the current school year.
- b. Permission for such student to continue in attendance at the present school for the remainder of the school year will not be granted unless the student has demonstrated responsible citizenship, proper attitude and serious effort during the time the student has been in attendance in the Enfield Schools.
- c. Transportation of such students during this period shall be the responsibility of the parent(s).

Section 4 – Tuition Students

When a non-resident student is admitted to the Enfield Public Schools for reasons other than as described in Sections 1 and 2, above and as a result of a requirement mandated by the State of Connecticut or for an extraordinary reason approved by the Enfield Board of Education, the tuition rate shall be 105% the previous year's per pupil cost for regular or special students applicable.

Legal Reference: Connecticut General Statutes

10-4a Educational interests of state defined (amended by PA 97-290, An Act Enhancing Educational Choices and Opportunities.

10-33 Tuition in towns in which no high school is maintained.

10-35 Notice of discontinuance of high school service to nonresidents.

10-55 Pupils to attend regional school.

10-253 School privileges for children in certain placements, nonresident children and children in temporary shelters.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

ENFIELD PUBLIC SCHOOLS
ENFIELD, CONNECTICUT

RESIDENCY REPORT

(To be filled out by Student/Parent/Legal Guardian)

- Date _____
1. Student's Name _____ D.O.B. _____
Last First Initial
2. Student's Enfield Address _____ Phone _____
No. Street
3. When did student move to Enfield? Month _____ Day _____ Year _____
4. Former Address _____ Town _____ State _____
No. Street
5. Former School _____ Grade _____
6. Address _____ Date last attending _____
7. Name of Student's Father _____
Father's Address _____ Phone _____
No. Street Town
8. Name of Student's Mother _____
Mother's Address _____ Phone _____
No. Street Town
9. Name of Students Court Appointed
Legal Guardian (*if applicable*) _____
Guardian's Address _____ Phone _____
No. Street Town
- 10 Name of Person with whom Student is Living _____
Relationship _____
Address _____ Phone _____
No. Street Town

ENFIELD PUBLIC SCHOOLS
ENFIELD, CONNECTICUT

AFFIDAVIT OF PARENT/GUARDIAN

I hereby attest that _____ is my _____.
(Student's name)

Moreover, I attest that he/she resides with _____ who is

_____ at _____ (Telephone #)
(Relationship to Student) (Street Address)

I attest that the above-named student is residing with the above individual in Enfield because

I further attest that the above-named student intends to live permanently with the above individual at the above address for _____ days and _____ nights per week and that I am not providing payment for having the above-named student reside with anyone in Enfield.

As a parent/legal guardian of the student named in this Affidavit, I attest to the accuracy of the information contained in this form. I understand that should the above-named student be found to be attending the Enfield Public Schools illegally, the Town of Enfield reserves the right to pursue legal remedies under Connecticut state law, including but not limited to Section 10-186.

I also understand that a fraudulent statement about the above-named child on this form will result in revocation of registration for my child in the Enfield Public Schools.

(Name) (Signature)

(Date)

Subscribed and sworn to, before me, this _____ day of _____ 20____

Notary Public _____

My commission expires _____

CERTIFICATION OF RESIDENCY

(For families living with someone who is the owner/tenant of residence in Enfield)

As a part of our residency verification process, we are requesting that you, as the owner/tenant of the residence in Enfield, verify that:

School: _____ School Year: _____

Name of Student(s): _____

and his/her parent(s)/guardian(s): _____

reside at: _____ with me.

I, _____ certify that the above named student(s) and parent(s)/guardian(s)
(Local Resident/Relative/etc.)
reside with me at the above listed address, in a residence owned or occupied by me in the Town of Enfield. I realize that if I make a false statement as to the residency, I may be held liable for a share of the cost of the education of the said student(s) if they, in fact, do not reside in Enfield. My relationship to student(s) is _____.
I can be reached at home (860) _____, work (860) _____, or cell (860) _____.

- I agree to notify the school immediately regarding the termination of the student's full time physical presence (permanent residency) in the Town of Enfield, in which event the student will no longer be eligible for free school privileges. Finally, I understand that should the student be found to be attending Enfield Public Schools illegally, the Town of Enfield reserves the right to recover the costs of such education from me, the undersigned.
- I will cooperate with the Town of Enfield when an investigation is conducted to verify residency of the above-name student(s).
- I understand that a false statement may lead to the disenrollment of the above-name student(s) and may lead to my prosecution under the criminal statutes of the State of Connecticut, which is stated below (Larceny 53a-122). I also understand that this document may be used as evidence in a court of law.

LARCENY 1ST DEGREE, 53a-122 – The property or service is obtained by **DEFRAUDING A PUBLIC COMMUNITY** and such property exceeds \$2,000.
Class B Felony – Not less than 1 year nor more than 20 years and/or a fine up to \$10,000.

Signed: _____ Date: _____
(Legal Resident of Enfield)

Signed: _____ Date: _____
(Parent or Guardian of Student(s))

OATH

Both personally appeared _____ & _____ and subscribed
To and swore to the truth of the forgoing before me this _____ day of _____, 20____.

Notary Public
Date Commission Expires _____

If you have any questions regarding this form, please contact the Attendance Officer at Enfield Public Schools at (860) 763-7411.

Existing regulation, presently numbered 5124 adopted 4/12/94, appropriate as renumbered.

Students

Student Progress Reports

At the school level, student progress reports are fundamental to establishing positive communication between the parent, school and classroom teacher. Therefore, all classroom teachers are strongly encouraged to complete progress reports for all children at specific times, designated by the school administration and/or at any time deemed appropriate by the classroom teacher. By notifying parents/guardians of their child's progress the parents/guardians have the opportunity to become active participants in the education process.

I. Elementary and Middle School Level

A. Elementary Level

All elementary classroom teachers must send a progress report to parent/guardians at any time when:

- a. a student's classroom performance has dropped significantly, and
- b. he/she is in danger of receiving less than a (C-) average and/or an unsatisfactory grade.

Progress reports should also be sent to parents of students who have demonstrated significant improvement in classroom performance.

Special area and special education teachers will use their discretion when considering sending student progress reports to parents in terms of appropriateness, reasonableness, workload and application.

B. Middle School Level

Each team will produce a single team progress report for each child in the team.

Special area teachers will complete progress reports for students in danger of failing.

- a. Progress reports will be distributed for every marking period.
- b. At the elementary and middle school levels the progress report will be signed by the parent and returned to the classroom teacher.

Students

Student Progress Reports (continued)

II. Senior High School Level

Student progress reports must be sent by teachers to parents/guardians at any time when, in the opinion of any teacher, a student's classroom performance has dropped significantly and he/she is in danger of receiving less than a C- average. Progress reports should also be sent to parents of students who have demonstrated significant improvement in classroom performance.

A. Mid-Marking Period

Teachers of students whose grades have seriously deteriorated or how have been assessed as having a grade average of less than a C- at mid-marking period must send a Student Progress Report to the parent/guardians of said student. The progress report will be issued to, and signed by the student for delivery to said parent/guardian. A copy of this report will be kept on file by the teacher and guidance counselor.

B. Mid-Marking Period to End of Marking Period

Should a student's grade deteriorate to less than a C- average, at any time after the mid marking period, this it will be expected that the classroom teacher will communicate to the parent/guardian by one of the following methods:

1. Phone call to parent/guardian
2. Direct mail
3. Student signed Progress Report

C. Exams/Projects

It is understood that exams and/or projects offered during the last week of the marking period may produce unexpected results. It is anticipated that teachers will make an effort to communicate to students the importance of these factors in the grading process.

D. Coaches, Activity Advisors and Teachers

Coaches, Activity Advisors and teachers should counsel and guide students receiving progress reports. Students receiving such reports are to be encouraged to attend tutoring sessions.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

ENFIELD PUBLIC SCHOOLS

Progress Report for Grades 1-2

Grade _____ Date _____

Name _____

This report is being sent home to advise you of your child's progress at this time.

Subject	Reading	Language	Spelling	Handwriting	Mathematics	Social Studies	Science
Average Mark to Date	✓ Check Indicates Need for Improvement						
Demonstrates Daily Effort							
Listens to and Follows Directions							
Completes Work Neatly and Accurately							
Participates Orally							
Completes Homework							
Behavior	Teacher's Comments						

U – Unsatisfactory

N – Needs Improvement

S – Satisfactory

G – Good

E – Excellent

Explanation of Marks:

Parent's Comments:

Teacher's Signature _____

Parent's Signature _____

Please feel free to call the school should you desire a conference. Please sign this report and return it to your child's teacher as soon as possible.

Principal's Signature _____

ENFIELD PUBLIC SCHOOLS

Progress Report for Grades 3-6

Grade _____ Date _____

Name _____

This report is being sent home to advise you of your child's progress at this time.

Subject	Reading	Language	Spelling	Mathematics	Social Studies	Science	Handwriting
Average Mark to Date	✓ Check Indicates Need for Improvement						
Effort							
Behavior							
Assumes Responsibility							
Follows Directions							
Listens Attentively							
Organizes Work and Materials							
Neatness & Legibility							
Quizzes and Tests							
Classwork							
Homework							
Make-up Work							
Grades and Numerical Equivalents:	A+ - 100-97 A - 96-93 A- - 92-90	B+ - 89-87 B - 86-83 B- - 82-80	C+ - 79-77 C - 76-73 C- - 72-70	D - 69-65 F - 64 & below			Handwriting VG S N U

Parent's Comments: _____

Teacher's Signature _____

Parent's Signature _____

Principal's Signature _____

Please feel free to call the school should you desire a conference. Please sign this report and return it to your child's teacher as soon as possible.

Existing policy, number 5123 adopted 9/23/14, appropriate as written, and with addition of legal reference.

Students

Promotion/Retention

I. Promotion or Retention Policy: Grades K-5

Promotion/retention of students from grade to grade is determined on an individual basis. To decide whether a student who is not progressing satisfactorily should be advanced to the next grade, all objective evidence (tests, samples of work, attendance, etc.) is brought together and recommendations of all persons, including parental and/or guardians concerned with the progress of the student are considered. Final action taken is determined by what is best for the individual student. The Principal of the school is responsible for making the decision concerning the promotion or retention, of a student.

- A. **Promotion** - A student promoted is one who is meeting the standards expected for the particular grade level.
- B. **Retention** - A student retained is one who is functioning below the expected standard, as outlined on the student report card and would benefit by repeating the grade.

II. Promotion: Grades 6-8

- A. A minimum grade point average of 4.0 (C-) is required to be promoted from grade 6 to grade 7, from 7 to grade 8 and from grade 8 to the high school level.
- B. Students not achieving the required 4.0 (C-) shall have the opportunity to attend summer school to attain the required grade point average. Students returning to the same grade for a second year shall be required to repeat the course of study prescribed for such grade.
- C. The grade(s) earned in summer school are combined with those earned during the school year to raise a student's GPA to a minimum of 4.0 (C-).
- D. Students will enroll in English and/or Math summer school. Literacy and numeracy skills emphasized in these summer school courses are essential for strong academic achievement at all grade levels and for successful performance on the State Standardized Test.
- E. The Principal is responsible for making the final decision concerning student promotion or retention.

III. Promotion: Grades 9-12

A. Grade 9 to Grade 10

- 1. A minimum of (4) credits are required to be promoted from grade 9 to, grade 10. Students must earn (1) credit in Mathematics and (1) credit in English.

Students

Promotion/Retention

III. Promotion: Grades 9-12

A. Grade 9 to Grade 10 (continued)

2. Students who do not earn the required (4) shall have the opportunity to attend summer school in order to be promoted. Students must meet the summer school requirements as described in BOE Policy #6174 – “Summer School” in order to earn credits toward promotion in summer school.

B. Grade 10 to Grade 11

1. A minimum of (10) credits are required to be promoted from grade 10 to grade 11. Students must earn (2) credits in Mathematics and (2) credits in English included in the (10) credits.
2. Students who do not earn the required (10) credits shall have the opportunity to attend summer school in order to be promoted. Students must meet the summer school requirements as described in BOE Policy #6714 – “Summer School” in order to earn credits toward promotion in summer school.

C. Grade 11 to Grade 12

1. A minimum of (16.5) credits are required to be promoted from grade 11 to grade 12. Promotion to grade 12 can be made at the conclusion of the school year, at the conclusion of summer school, or at the conclusion of the first semester of the school year. Students promoted after the first semester will be assigned to a senior homeroom but must have the capability of graduating that school year in order to be promoted.
2. Students who do not earn the required (16.5) credits shall have the opportunity to attend summer school to earn up to (2) of the required number of credits for promotion. Students must meet the summer school requirements as described in BOE Policy #6174 – “Summer School” in order to earn credits toward promotion in summer school.

- D. The Principal is responsible for making the final decision concerning student promotion or retention.

IV. Special Education Students

Special education students will be subject to the general policy regarding retention and promotion, unless extenuating circumstances are in evidence which might exclude such students from the grading policy as determined by the P.P.T.

Students

Promotion/Retention

IV. Special Education Students (continued)

It is expected that the P.P.T. will anticipate exemptions to Board policy as early in the program planning stages as may be feasible.

V. Exceptions

Exceptions to the above policy may be requested by the administration from the Board of Education.

Legal Reference: Connecticut General Statutes

P.A. 99-288 An Act Concerning Education Accountability

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

10-265g Summer reading programs required for priority school districts. Evaluation of student reading level. Personal reading plans. (as amended by PA 01-173 and PA 06-135)

10-265l Requirements for additional instruction for poor performing students in priority school districts; exemption. Summer school required; exemption (as amended by PA 99-288, PA 01-173, PA 03-174 and PA 06-135)

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 2112.12 adopted 11/25/08, appropriate as renumbered, and with addition of legal reference.

Students

Reporting to Parents

School Report Cards

To promote the cooperation of parents and teachers, the Superintendent shall recommend a system of report cards to inform parents of the attendance, scholarship, deportment, and health of their children.

Legal Reference: Connecticut General Statutes

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

46b-56 Access to records of minor children by non-custodial parent.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

CABE's revised mandated policy to consider as replacement for existing policy, number 5125 adopted 10/27/09, which does not reflect U.S. D.O.E. modifications.

Students

Student Records; Confidentiality

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

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

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

For the purposes of this policy:

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

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

"Student record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained.

Students

Student Records; Confidentiality (continued)

“Student record” (continued) Student records include any information maintained for the purpose of review by a second party is considered a student record. Records that pertain to an individual’s previous attendance as a student are “education records” under FERPA regardless of when they were created or received within the school system. Student records shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. Records of the law enforcement unit of the District or school are not considered student records.

“Law Enforcement Unit” means an individual office, department, division, or other component of an education agency or institution that is officially authorized or designated by that agency or institution to (1) enforce laws or refer matters of law enforcement to appropriate authorities, or (2) maintain the physical security and safety of the agency or institution.

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

“School Official” means a person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel, a person serving on the Board of Education, a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

“Authorized Representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct with respect to Federal or State-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

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

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

Students

Student Records; Confidentiality (continued)

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

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

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

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

1. Annually informing parents of their rights.
2. Permitting parents to inspect and review educational records, including, at least, a statement of the procedure to be followed by a parent or eligible student who requests to inspect and review the educational records, with an understanding that the procedure may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student’s education records without the prior written consent of the student’s parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are “school officials” and what the school considers to be a “legitimate educational interest”; and a specification of the personally identifiable information to be designated as directory information.

Students

Student Records; Confidentiality (continued)

4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent/guardian with an opportunity to seek the correction of the student's education records through a request to amend the records. If the District decides that an amendment of the records as requested is not warranted, to inform the parent/guardian or eligible student and advise him/her of the right to a hearing and permitting the parent/guardian or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within five days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions that their prior consent is not required to disclose information.
10. Ensuring the orderly retention and disposition, per applicable state statutes, of the districts student records.
11. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. Parents or eligible students may request that the District not release this information, and the District will comply with the request.
12. Notifying parents annually of the District's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

Legal Reference: Connecticut General Statutes

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

7-109 Destruction of documents.

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

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

Students

Student Records; Confidentiality

Legal Reference: Connecticut General Statutes (continued)

10-209 Records not to be public.

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

11-8a Retention, destruction and transfer of documents

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

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

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

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011)

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

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

P.L. 112-278 "The Uninterrupted Scholars Act"

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

**ENFIELD PUBLIC SCHOOLS
ENFIELD, CONNECTICUT**

5127.4

WORLD WAR II VETERAN'S DIPLOMA

Pursuant to C.G.S. 10-221a, as amended by PA 00-124, the Board of Education shall award a high school diploma to any World War II Veteran who left high school for military service and received an honorable discharge. Application forms for World War II Veteran's Diploma shall be available through the Superintendent of Schools' Office. The form must be completed by the Veteran who wishes to receive his/her diploma or a family member of a deceased World War II Veteran.

**Adopted: August 22, 2000
Reviewed: September 22, 2009**

**HIGH SCHOOL DIPLOMA APPLICATION FOR
CONNECTICUT WWII VETERANS**

Qualifying Dates of Active Service: December 7, 1941 – December 31, 1946

VETERAN'S NAME AND PERSONAL INFORMATION:
(Print or Type Legibly)

FIRST	MIDDLE	LAST	M/F
Number, Street and Apt. #		City	State Zip
HOME PHONE (include area code)		DATE OF BIRTH	SOCIAL SECURITY NUMBER

A copy of honorable military discharge and evidence of high school attendance must be attached.

VETERAN'S MILITARY SERVICE INFORMATION:

BRANCH OF SERVICE	SERVICE NUMBER	HIGHEST RANK/GRADE ATTAINED
	/ /19__	/ /19__
PERIODS OF SERVICE	DATE(S) ENTERED	DATE(S) SEPARATED

DIPLOMA INFORMATION:

High school attending at the time of enlistment and town

Month of _____, 19__

Estimated date of withdrawal from High School

I certify that all information I have provided is true and correct to the best of my knowledge. I also authorize the Enfield Board of Education to verify all information provided and, if necessary, to obtain copies of my high school attendance record.

Veteran's Signature: _____ Date: _____

If other than the veteran, please provide the following:

Applicant's Signature: _____ Date: _____

Applicant's Address: _____

Would like diploma awarded at: ____ Gold Star Luncheon in June; ____ Veteran's Day Parade in November; ____ Four Chaplain's Mass in February; ____ Memorial Day Parade in May

TO BE COMPLETED BY THE LOCAL BOARD OF EDUCATION

Local Board: _____ Approved: _____ Disapproved: _____ Initials: _____ Date: _____

Existing policy, number 5131 adopted 6/28/16, modified and with update to legal reference.

Students

Conduct and Discipline

I. Definitions

- A. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- B. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- C. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- D. **Removal** is the exclusion of a student for a class period of ninety minutes or less.

A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the Principal or his/her designee at once. A student may not be removed from class more than six times in one school year nor more than twice in one week unless the student is referred to the building Principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

- E. **In-School Suspension** means an exclusion from regular classroom activity for no more than five consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- F. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- G. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.

Students

Conduct and Discipline

I. Definitions (continued)

- H. **School Days** shall mean days when school is in session for students.
- I. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- J. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.
- K. **Bullying** – repeated use by one or more students of a written, verbal, or electronic communication such as cyberbullying, or a physical act or gesture repeatedly directed at another student in the same school district that:
 - a. causes physical or emotional harm to the student or damage to the student's property;
 - b. places the student in reasonable fear of harm to himself or herself, or of damage to the student's property;
 - c. creates a hostile environment at school for such student (bullying among students is sufficiently severe and pervasive as to alter the conditions of the school climate);
 - d. infringes on the rights of the student at school, or
 - e. substantially disrupts the educational process or the orderly operation of a school.

Bullying explicitly includes, but is not limited to:

A written, verbal, or electronic communications, or physical acts or gestures that are based on any actual or perceived differentiating characteristics, such as race, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, political ideology, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who is perceived to have one or more of such characteristics.

- L. **Cyberbullying** – any act of bullying using the internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices, or any electronic communications.

Students

Conduct and Discipline (continued)

II. Scope of the Student Discipline Policy

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

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

B. Conduct off School Grounds:

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

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs, bullying, harassment, hostile environment or emotional/physical harm to any student.

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length or martial arts weapon as defined below at section VI. B.

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

Conduct which may lead to disciplinary action (including but not limited to suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

Students

Conduct and Discipline

III. Actions Leading to Disciplinary Action, including Suspension and/or Expulsion (continued)

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, or law enforcement authorities, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law.
7. Refusal by a student to identify himself/herself to a staff member when asked.
8. A walk-out from or sit-in within a classroom or school building or school grounds.
9. Blackmailing, harassing, threatening or intimidating school staff or students.
10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object.
11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
13. Unauthorized possession, sale, distribution, use or consumption of synthetic substances, tobacco, drugs, narcotics or alcoholic beverages or any substance that may cause physical and/or mental impairment. For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
15. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

Students

Conduct and Discipline

III. Actions Leading to Disciplinary Action, including Suspension and/or Expulsion (continued)

17. Trespassing on school grounds while on out-of-school suspension or expulsion.
18. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
20. Throwing snowballs, rocks, sticks and/or similar objects.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
22. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the Principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized or non-school related purposes.
26. Possession and/or use of a laser pointer.
27. Hazing.
28. Bullying.
29. Cyberbullying that creates a hostile environment at school for any student (a) infringes on the rights of a student at school or (b) substantially disrupts the educational process or orderly operation of the school.
30. Any act of discrimination and/or retaliation against a person who reports or assists in the investigation of a bullying complaint.
31. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
32. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

Students

Conduct and Discipline (continued)

IV. Procedures Governing Suspension

- A. The Principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student in grades 3-12 for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. Students in grades Pre-K-2 can receive both an in-school suspension or an out of school suspension only after an informal hearing and the administration determines that an in-school or out of school suspension is appropriate for the student based on evidence that the student's conduct is of a violent or sexual nature that endangers persons. In such cases, the following procedures shall be followed.
1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the Principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the Principal, but only considered in the determination of the length of suspensions.
 3. By telephone, the Principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and state the cause(s) leading to the suspension.
 4. Whether or not telephone contact is made with the parent or guardian of such minor student, the Principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the Principal, or designee), offering the parent or guardian an opportunity for a conference to discuss same.
 5. Notice of the original suspension shall be transmitted by the Principal or designee to the Superintendent or his/her designee by the close of the school day following the commencement of the suspension.
 6. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
 7. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school.
 8. The decision of the Principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

Students

Conduct and Discipline

IV. Procedures Governing Suspension (continued)

- B. In cases where the student has already been suspended, or such suspension will result in the student's being suspended, more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing before the Board of Education. The Principal or designee shall report the student to the Superintendent or his/her designee and request a formal Board hearing.

V. Procedures Governing In-School Suspension

- A. The Principal or designee may impose in-school suspension for students in grades 3-12 in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the Principal or designee. Students in grades Pre-K-2 can receive both an in-school suspension or an out of school suspension only after an informal hearing and the administration determines that an in-school or out of school suspension is appropriate for the student based on evidence that the student's conduct is of a violent or sexual nature that endangers persons.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building Principal or designee.
- C. By telephone, the Principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and state the cause(s) leading to the suspension.
- D. Whether or not telephone contact is made with the parent or guardian of such minor student, the Principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the Principal, or designee), offering the parent or guardian an opportunity for a conference to discuss same.
- E. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

Students

Conduct and Discipline (continued)

VI. Expulsion Recommendation Procedure

- A. A Principal may consider recommendation of expulsion of a student in grades 3-12 in a case where he/she has reason to believe the student has engaged in conduct described at sections II. A. and II. B., above. A Principal can recommend expulsion for students in grades Pre-K-2 if the student has engaged in conduct that would warrant mandatory expulsion under Connecticut General Statute 10-233d.
- B. A Principal must recommend expulsion proceedings in all cases against any student whom the Administration has reason to believe:
 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 USC 921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 USC 921, in violation of Conn. Gen. Stat. 29-35, or possessed and used a firearm as defined in 18 USC 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under section 952 of the Connecticut General Statutes; or
 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. §21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
 4. The following definitions shall be used in this section:
 - a. A "firearm" as defined in 18 USC 921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a muffler or silencer, or (d) any destructive device. As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ½" in diameter. The term "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

Students

Conduct and Discipline

VI. Expulsion Recommendation Procedure (continued)

- b. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.
 - c. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle".
 - d. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.
 - e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any sling shot, black jack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length or martial arts weapon as defined above.
- C. Upon receipt of an expulsion recommendation, the Superintendent or his/her designee may conduct an inquiry concerning the expulsion recommendation.

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

VII. Expulsion Hearing Procedure

A. Emergency Exception:

Except in an emergency situation, the Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.

Students

Conduct and Discipline

VII. Expulsion Hearing Procedure (continued)

B. Hearing Panel:

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) a reasonable time prior to the time of the hearing.
2. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, and location of the hearing.
 - b. A short, plain description of the conduct alleged by the Administration.
 - c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
 - d. The student may cross-examine witnesses called by the Administration.
 - e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
 - f. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
 - g. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

Students

Conduct and Discipline

VII. Expulsion Hearing Procedure (continued)

D. Hearing Procedures:

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and Counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.
3. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal Counsel and by Board members.
7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross-examination and to questioning by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross-examination and questioning by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.
8. In cases where the respondent has denied the allegation, the Board must determine whether the respondent committed the offense(s) as charged by the Administration.
9. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider evidence regarding the length and conditions of expulsion.

Students

Conduct and Discipline

VII. Expulsion Hearing Procedure

D. Hearing Procedures: (continued)

10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may ask the Administration for a recommendation as to the discipline to be imposed.
11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent or his/her designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
13. The Board shall make findings as to the truth of the charges, if the student has denied them, and, in all cases, the disciplinary action, if any, to be imposed. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing.

VIII. Board Policy Regarding Mandatory Expulsions

- A. In keeping with Conn. Gen. Stat. §10-233d and the Gun Free Schools Act, it shall be the policy of the Board to expel a student enrolled in grades preschool through grade 12, inclusive, for one full calendar year for: the conduct described in Section VI. (B)(1), (2) and (3) of this policy. The Board may modify the term of expulsion on a case-by-case basis.

IX. Alternative Educational Programs for Expelled Students

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

Whenever the Board of Education expels a student under sixteen years of age, it shall offer any such student an alternative educational program, which shall be (1) alternative education, as defined, by C.G.S. 10-74j or (2) in accordance with the standards adopted by the State Board of Education (SBE) with an individualized learning plan.

Students

Conduct and Discipline

IX. Alternative Educational Programs for Expelled Students (continued)

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

The Board of Education will provide an alternative education to a sixteen to eighteen-year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time. ~~or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.~~

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

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

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

If the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

X. Notice of Student Expulsion on Cumulative Record

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

B. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

Students

Conduct and Discipline (continued)

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board which shall be limited to a determination of whether the conduct which was the basis of the expulsion would also warrant expulsion by the Board.

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

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

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

A. *Suspension of IDEA students:*

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

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

Students

Conduct and Discipline

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

A. *Suspension of IDEA students:* (continued)

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

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

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

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension which constitutes a change in placement was made. The student's IEP team shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

Students

Conduct and Discipline

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

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

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

C. *Transfer of IDEA students for Certain Offenses:*

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) calendar days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or

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

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

A. *Expulsion of students identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973*

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a "Section 504 Student") who has engaged in conduct that violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

Students

Conduct and Discipline

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

- A. *Expulsion of students identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (continued)*
1. The parents of the student must be notified of the decision to recommend the student for expulsion.
 2. The district shall immediately convene the students Section 504 team (504 team), for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion, in order to determine whether the student's behavior was a manifestation of his/her disability.
 3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
 4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommendation for expulsion.

XIV. Notification to Parents or Guardian

- A. The parents or guardian of any minor student either expelled or suspended or removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of expulsion, suspension or removal from class.
- B. The Superintendent or his/her designee shall forward to the student concerned and his/her parents, or the student if he/she has attained the age of 18, a copy of this Board policy on student discipline at the time the Superintendent or his/her designee sends out the notice that an expulsion hearing will be convened.

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

Students

Conduct and Discipline (continued)

XVI. Dissemination of Policy

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

XVII. Compliance with Reporting Requirements

1. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
2. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
3. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

Legal References: Connecticut General Statutes
 4-177 – 4-180 Contested cases. Notice. Record, as amended
 10-74j Alternative education (PA 15-133)
 10-233a through 10-233f Suspension, removal and expulsion of students,
 as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122,
 PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111,
 PA 14-229, PA 15-96 PA 16-147 and PA 17-220
 10-233f In-school suspension of students.
Packer v. Board of Educ. of the Town of Thomaston, 246 Conn.89 (1998).
 Public Act 98-139
Honig v. Doe, (United States Supreme Court 1988)
 Individuals with Disabilities Act, 20 U.S.C. 1400 et seq. as amended by
 the Individuals with Disabilities Education Act Amendments of 1997 (P.L.
 105-17). Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §
 794(a).
 P.L. 108-446 Individuals with Disabilities Education Improvement Act of
 2004
State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).

Policy adopted:

ENFIELD PUBLIC SCHOOLS
 Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, number 5131.1 adopted 2/22/11, appropriate as written, and with update to legal reference.

Students

Transportation

A. Bus Conduct

The bus transportation policy of the Enfield Board of Education (3545.1) provides school transportation to eligible students. Bus transportation is not an unlimited right granted the student, thus students will be held to reasonable regulations, which if abridged, may cause students to be excluded from bus transportation.

The Enfield Board of Education authorizes the school administration to suspend transportation services for any student whose conduct while waiting or receiving transportation to and from school, endangers persons or property or violates a publicized school Board policy.

The same due process procedures and statutory limitations applicable to a suspension from school services applies to any suspension from transportation services (e.g. length of suspension, notice requirement).

A student may be suspended or excluded from bus transportation and school for a period of time in accordance with Board policy #3545 and #5131. The regulations for the conduct of students riding on school buses are as follows:

1. Students shall at all times be courteous to the bus driver, and follow his/her instructions. The bus driver is in charge of the bus and all of the students riding on it.
2. No student may ride on a bus other than the one to which she/he is assigned unless authorized by the school administration.
3. Students must not stand on the traveled portion of the highway while awaiting the bus. Students should get on and off the bus only when the bus is fully stopped. They must take a seat when they enter and remain seated while the bus is in motion.
4. Students shall enter or leave the bus only at the front door except in cases of emergency. When entering or leaving the bus, students should avoid crowding or in any way disturbing others. If a student **MUST** cross the street to get on or off, she/he **MUST** cross in front of the bus. The bus will not proceed until the student is safely off the traveled portion of the street.
5. Students must not at any time extend their arms or head out of the bus windows.
6. Students shall assist in keeping the bus clean and orderly. Papers or other objects may not be thrown on the bus or out of the windows. Students are to refrain from causing a disturbance, which may distract the bus driver from proper and safe operation of the school bus.
7. Smoking, drinking, use of drugs will not be permitted on school buses by anyone at any time.

Students

Transportation

A. Bus Conduct (continued)

8. Students who have violated any of the above regulations, shall, when so instructed by the driver, report promptly to the school Administration.
9. Due to potential allergens and other safety concerns, eating on a school bus during normal daily transportation to/from local neighborhood bus stops and a student's school is prohibited.

B. Penalties for Violation

Any student, who shall commit any violation of the above regulations, shall be forthwith reported to the school Administration by the bus driver.

Violations of the above rules will be handled in the following manner.

1. **First Offense** - warning to student and notification to parents. The student may be suspended or excluded from bus transportation and/or school, for not more than 5 school days.
2. **Second Offense** - The student may be suspended or excluded from bus transportation and/or school, for a period not to exceed 10 school days.
3. **Third Offense** - The student may be suspended or excluded from bus transportation and/or school, for the balance of the school year or any part thereof.

If a student loses his/her privilege to ride the school bus, either temporarily or permanently, parents/guardians will assume responsibility for providing transportation to and from school.

Legal Reference: Connecticut General Statutes

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

10-220 Duties of boards of education

10-221 Boards of education to prescribe rules

10-233c Suspension of students

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A new policy to consider.

Students

Vandalism

The District may press legal charges against any student who, in any manner, advocates, teaches, incites, proposes, aids, abets, encourages or advises the unlawful injury or destruction of school property. The parent or guardian of any minor/unemancipated child who willfully cuts, defaces, or otherwise damages, in any way, any property, real or personal, belonging to the district shall be held monetarily liable for such actions up to the maximum amount allowed under state law. Injury shall include intentional unauthorized modifications made to computer hardware and/or software.

Liability of Parents and Students

The liability provided under Connecticut General Statutes 52-572 does not relieve the minor(s) of personal liability for such damage or injury. This liability of the parent or guardian for damages done by a minor child is in addition to any other liability which exists in law. Liability shall include all costs incurred to remedy the situation.

The parent or guardian of a minor child shall also be held liable for all property belonging to the district that has been lent to the student and not returned upon demand of the district. The student may also be liable to disciplinary action.

An adult student shall be held personally liable for any damage done to any property, real or personal, belonging to the district, including property that has been lent to the student and not returned upon demand of the district. The student may also be subject to disciplinary action.

Damaged or lost instructional articles will be replaced by the student and/or his or her parents/guardians. The individual school price list will be used in establishing replacement fees based on the list price and depreciation schedule.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A recommended policy including sections pertaining to inhalant drugs and performance drugs, to consider as replacement for existing policy, number 5131.6 adopted 9/22/09 which does not reflect legislative modifications.

Students

Alcohol Use, Drugs, and Tobacco (including Performance Enhancing Substances)

Pursuant to the goal of the Board of Education (Board) to maintain a drug, tobacco and alcohol-free school district, schools shall take positive action through education, counseling, parental involvement, and medical and police referral in handling incidents in the schools involving possession, sale, and/or use of behavior affecting substances. These substances shall include but not be limited to alcohol and controlled substances as defined in the Penal Code of the State of Connecticut.

Alcohol, tobacco, stimulants, street drugs, including but not limited to marijuana, heroin and cocaine; anabolic steroids, hormones and analogues, diuretics and other performance enhancing substances; including supplements and Creatine, are addressed by this policy and accompanying administrative regulations.

Possessing, using, or transmitting any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2 and bath salts are addressed by this policy.

Definitions

Drugs are defined as any substance other than food or water that is intended to be taken or administered (ingested, injected, applied, implanted, inhaled, etc.) for the purpose of altering, sustaining, or controlling the recipient's physical, mental, or emotional state. Drugs may include, but not be limited to, alcoholic beverages; controlled substances such as marijuana, hallucinogens, cocaine, barbiturates, amphetamines, narcotics; and non-authorized prescription drugs.

Controlled substances, for purposes of this policy shall include all controlled substances prohibited by federal and state law, look-alike drugs, alcoholic beverages, anabolic steroids, drug paraphernalia, any volatile solvents or inhalants, such as but not limited to glue and aerosol products, and prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.

Under the influence, for purposes of this policy shall include any consumption or ingestion of controlled substances by a student.

Electronic nicotine delivery system means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.

Students

Alcohol Use, Drugs, and Tobacco (continued)

Definitions (continued)

Liquid nicotine container means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

Vapor product means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

Privacy Rights

Personal privacy rights of students shall be protected as provided by law. School properties may be inspected by school authorities to maintain health and safety. Searches to locate drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable grounds for searches by school personnel. Privileged communication between a certified or paraprofessional employee and a student concerning drug abuse shall remain confidential except in cases where the employee is obtaining physical evidence of a controlled substance, and/or where there is an immediate threat to, or where students' health, safety, and welfare may be jeopardized.

Illegal Activities

Use, possession, sale or distribution of drugs, including prescription drugs, drug paraphernalia and/or alcoholic beverages in violation of state law or Board of Education policy is prohibited at any time on school premises or at any school-sponsored activity. If a student is under the influence of a drug or alcohol, or engaged in the illegal activity of possessing or selling drugs and/or alcohol, the police will be notified, his/her parent(s)/guardian will be contacted, he/she will be suspended from school, referred to a Student Support Team, and considered for expulsion. In cases of the illegal activity of possessing or selling drugs or alcohol, students will be referred to the appropriate law enforcement authorities. If a student is arrested and is awaiting trial for possession of, or possession of with intent to sell drugs in or on school property or at a school-sponsored event, the student will not be allowed to attend school without the permission of the Superintendent, per the guidelines set forth in Policy #5114.

Notification of Policy

Annually, students will be notified through the student handbook, or through other means, of disciplinary sanctions for violation of this policy.

Students

Alcohol Use, Drugs, and Tobacco

Notification of Policy (continued)

Principals shall include statements, appropriate to student maturity, in school handbooks and on District/school websites to the effect that:

1. the unlawful manufacture, distribution, sale, dispensing, possession or use of controlled substances, other illegal drugs, performance-enhancing substances, alcohol or tobacco, including electronic nicotine delivery systems and vapor products, is prohibited in school, on school grounds, on school transportation and at school sponsored activities;
2. compliance with the standards of conduct stated in the handbook is mandatory;
3. a violation of its provisions will subject students to disciplinary action up to and including expulsion and referral for prosecution;
4. CIAC controlled activities at the high school and middle school levels sponsored by the District/school are included in this policy and accompanying administrative regulations; and
5. CIAC may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes.

Disciplinary Action

Students who violate this policy will be subject to disciplinary action which includes, but is not limited to, suspension or expulsion, and/or a program recommended by the Student Support Team. Student athletes who violate this policy, participating in CIAC-controlled activities shall also be declared ineligible for such activities in accordance with CIAC policy and regulation. Any disciplinary actions imposed will ensure that similar violations will be treated consistently. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The following guidelines for reporting alleged violations are to be followed:

1. If an employee suspects student possession, use, abuse, distribution or sale of controlled substances, other illegal drugs, performance-enhancing drugs, alcohol, or tobacco/tobacco products the employee shall refer the matter to the Principal or his/her designee. The Principal or designee will notify the student's parent/guardian, recommend a specific assessment, as appropriate, and contact law enforcement personnel as appropriate.

Students

Alcohol Use, Drugs, and Tobacco

Disciplinary Action (continued)

2. If an employee obtains physical evidence of a controlled substance, other illegal drug, drug paraphernalia, performance-enhancing drugs, alcohol, tobacco products or tobacco paraphernalia from a student in school, on school grounds, on school provided transportation or at a school sponsored event, the employee shall turn the student and the controlled substance over to the school principal or designee. The Principal will notify the student's parent/guardian, recommend a specified assessment as appropriate, notify law enforcement personnel and shall surrender possession of the controlled substance to the proper authorities within the time period required by state law.

Drug-Free Awareness Program

The Superintendent shall assure that the school District provides a drug-free awareness program for students including the following topics:

- health and safety-related dangers of drug abuse;
- review of the Board of Education's policy of maintaining drug-free schools;
- notification of the availability of drug counseling and rehabilitation programs; and
- official penalties for drug abuse violations in schools.

Drugs and Alcohol

It is the policy of the Board to prevent and prohibit the use (except as duly authorized through the school nurse), possession, distribution or sale of any drug, drug paraphernalia, or alcohol by any student at any time on school property, at school-sponsored events or on school-provided transportation. The District provides (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency; and will provide (2) assistance to those students who are affected by drug/alcohol possession or use by others. Any student in District schools found to be using, selling, distributing, in possession of or under the influence of intoxicants, mood altering drugs or substances, or look-alike drugs, or in possession of any related drug paraphernalia during a school session, on school premises, or anywhere at a school-sponsored activity or trip, on school-provided transportation, or otherwise off school grounds when such student's conduct violates the substance abuse policy and is seriously disruptive of the educational process shall be subject to consequences as stated in the student handbook.

A breath alcohol tester is approved for use at events/activities such as dances and proms at the middle school and high school levels where, in the judgment of the school administrator, there exists reasonable suspicion that a student has consumed an alcoholic beverage and then, only under the following circumstances:

Students

Alcohol Use, Drugs, and Tobacco (continued)

Drugs and Alcohol (continued)

- The student denies to an administrator that he/she has consumed alcoholic beverages and wishes to establish his/her innocence. Should the student register a positive reading on the breath alcohol tester, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.
- The student denies to an administrator that he/she has consumed alcoholic beverages and elects not to utilize the breath alcohol tester to establish his/her innocence. The judgment of the administrator will then be utilized to determine if the student has consumed an alcoholic beverage. In this instance, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.

Inhalant Abuse

In addition to the prohibitions pertaining to alcohol, drugs and tobacco contained in this policy, no student shall inhale, ingest, apply, use or possess an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.

For purposes of this policy, inhalants are defined as follows, but not limited to:

Nitrous Oxide – Laughing Gas, Whippets, CO₂ Cartridge
Amyl Nitrite – “Locker Room,” “Rush,” “Poppers,” “Snappers”
Butyl Nitrite – “Bullet,” “Climax”
Chlorohydrocarbons – Aerosol Paint Cans, Cleaning Fluids
Hydrocarbons – Aerosol Propellants, Gasoline, Glue, Butane

Further, no student, 18 years of age or older, shall intentionally, knowingly or recklessly deliver or sell potentially abusable inhalant materials as listed above to a minor student.

No student shall intentionally use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint or substance or other substance that contains a volatile chemical.

Students

Alcohol Use, Drugs, and Tobacco

Inhalant Abuse (continued)

Any student in the District schools found to be in possession of, using, distributing, or selling potentially abusable inhalant materials shall be subject to disciplinary action as outlined in this policy, up to and including suspension and a recommendation for expulsion. Violators of this policy may also be required to complete an appropriate rehabilitation program. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The Board of Education shall incorporate into the curriculum at all levels education pertaining to potential inhalant abuse which is appropriate for students given their age, maturity, and grade level. Inhalant abuse educational programs/information for parents/guardians will be offered in a manner convenient to parents/guardians.

Performance-Enhancing Drugs (including food supplement)

In addition to the prohibition pertaining to alcohol, drugs, tobacco and inhalants, the Board of Education prohibits the use, possession, distribution or sale of performance-enhancing drugs, including anabolic steroids and food supplements, including Creatine, by students involved in school-related athletics or any co-curricular or extracurricular school activity/program, other than use for a valid medical purpose as documented by a physician. Bodybuilding and enhancement of athletic ability and performance are not considered valid medical purposes.

School personnel and coaches will not dispense any drugs, medication or food supplements except as in compliance with Connecticut State law, District policy and as prescribed by a student's physician, dentist, physician assistant or advanced practice registered nurse.

Students shall be made aware of the dangers of steroid abuse and that such abuse, unauthorized possession, purchase, or sale will subject them to disciplinary action and CIAC sanctions.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose, and the Board of Education shall approve, procedures and regulations to ensure that any student violating this section is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

It is the expectation of the Board that District schools, as members of the Connecticut Interscholastic Athletic Association (CIAC), require all athletes playing in CIAC-controlled sports to be chemical free.

Students

Alcohol Use, Drugs, and Tobacco (continued)

Tobacco/E-Cigarette Use by Students

There shall be no smoking or any other unauthorized use or possession of tobacco, tobacco products, including chewing tobacco or tobacco paraphernalia, and electronic nicotine delivery systems or vapor products by students in any school building or school vehicle at any time or on any school grounds during the school day, or at any time when the student is subject to the supervision of designated school personnel. Such as when the student is at any school function, extracurricular event, field trip, or school related activity such as a work-study program. An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

Tobacco includes, but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine delivering systems or vapor product, chemicals, or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar actions are treated consistently.

Medical Marijuana

The conditions which follow are applicable to a District student who holds a certificate authorizing the palliative use of marijuana issued by the Connecticut Department of Consumer Protection (DCP) for the medical use of marijuana as set out in P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana" and as amended by P.A. 16-23.

The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana certificate holder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana certificate holder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending District schools.

A student medical marijuana certificate holder shall not:

- Undertake any task under the influence of marijuana that would constitute negligence;
- Possess or engage in the medical use of marijuana
 - On a school bus;
 - On the grounds of any preschool, elementary or secondary school;
 - Utilize marijuana on any form of public transportation or in any public place;

Students

Alcohol Use, Drugs, and Tobacco

Medical Marijuana (continued)

- Operate, navigate, or be in actual physical control of any motor vehicle while under the influence of marijuana, except that a qualifying certified marijuana user for medical purposes shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- Use marijuana in any manner not authorized by P.A. 12-55, as amended by P.A. 16-23; or
- Offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative of the school.

If District officials have reasonable belief that a student may be under the influence, in possession of, or distributing medical marijuana, in a manner not authorized by the medical marijuana statute, law enforcement authorities will be informed.

A student who violates any portion of this policy shall be subject to disciplinary action and applicable criminal prosecution.

(cf. 5114 – Suspension/Expulsion)

(cf. 5131 – Conduct)

(cf. 5131.61 – Inhalant Abuse)

(cf. 5131.62 – Steroid Use)

(cf. 5131.612 – Surrender of Physical Evidence Obtained from Students)

(cf. 5131.8 – Out of School Grounds Misconduct)

(cf. 5131.92 – Corporal Punishment)

(cf. 5144 – Discipline/Punishment)

(cf. 5145.12 – Search and Seizure)

(cf. 5145.121 – Vehicle Searches on School Grounds)

(cf. 5145.122 – Use of Dogs to Search School Property)

(cf. 5145.124 – Breathalyzer Testing)

(cf. 5145.125 – Drug Testing-Extracurricular Activities)

(cf. 6164.11 – Drugs, Alcohol, Tobacco)

Legal Reference: Connecticut General Statutes

1-21b Smoking prohibited in certain places.

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

Students

Alcohol Use, Drugs, and Tobacco

Legal Reference: Connecticut General Statutes (continued)

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

10-221(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs.

21a-240 Definitions dependency producing drugs.

21a -240(8) Definitions "Controlled Drugs," dependency producing drugs.

21a-240(9) Definitions "controlled substance."

21a-243 Regulation re schedules of controlled substances.

21a-408 et. seq. Palliative Uses of Marijuana (as amended by P.A. 16-23)

53-198 Smoking in motor buses, railroad cars and school buses.

P.A. 11-73 An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.

P.A. 16-23 An Act Concerning the Palliative Use of Marijuana.

P.A. 14-76 An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention.

P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

P.L. 114-95 Every Student Succeeds Act, Section 8573

Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act)

New Jersey v. T.L.O., 469 U.S. 325 (1985).

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

Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002).

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A mandated policy.

Students

Weapons and Dangerous Instruments

The Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

A "dangerous weapon" is any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious injury. A "deadly weapon" is any instrument, article or substance specifically designed for and presently capable of causing death or serious injury.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

A "destructive device" is considered any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Board of Education or hearing board may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The Board shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

Students

Weapons and Dangerous Instruments (continued)

Weapons under the control of law enforcement personnel are permitted. The Superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the District and conducted on District property.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone" is defined by federal law, means in/on school grounds or within 1,000 feet of school grounds.

"Gun-Free School Zone" signs will/may be posted in cooperation with city/town officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

(cf. 5114 - Suspension/Expulsion)

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes
 10-221 Boards of education to prescribe rules.
 10-233a through 10-233f - Expulsion as amended by PA 95-304
 53a-3 Definitions.
 53a-217b - Possession of firearms and deadly weapons on school grounds
 53-206 Carrying and sale of dangerous weapons.
 PA 94-221 An Act Concerning School Discipline and Safety.
 Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q)
 (2006)
 GOALS 2000: Educate America Act
 18 U.S.C. 921 Definitions.
 20 U.S.C. §7961, The Gun-Free School Act, 8561 of the Every Student
 Succeeds Act.
 Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)
 Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-
 7117

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 5131.7 adopted 9/22/09, appropriate as renumbered.

Students

Anti-Hazing

I. Purpose

The purpose of this policy is to maintain a safe learning environment for students and staff that are free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

II. General Statement of Policy

- A. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Hazing activities are seriously disruptive of the educational process in that they involve students and violence or threats of violence. This policy applies to behavior that occurs on or off school property and during and after school hours.
- E. A person who engages in an act that violates school policy or law in order to initiate another person or to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. Definitions

- A. **“Hazing”** means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for the student to be initiated into or affiliated with a school organization. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.

Students

Anti-Hazing

III. Definitions (continued)

2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to a risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

IV. Reporting Procedures

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct, which may constitute hazing, shall report the alleged acts immediately to an appropriate school district official designated by this policy.
- B. The building Principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to the Assistant Principal, Coordinator of Athletics, Assistant Superintendent or to the Superintendent.
- C. Parents and/or students are asked to help school officials to detect and respond to any situation that may include hazing. Parents and/or students who observe or have knowledge of hazing practices should report all information to the building Principal for investigation.
- D. Teachers, administrators, volunteers, contractors, and other employees of the school district shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct, which may constitute hazing, shall inform the building Principal immediately.
- E. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, or work assignments.

Students

Anti-Hazing (continued)

V. School District Action

- A. Upon receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district will take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including school district policies and regulations.

VI. Reprisal

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VII. Dissemination of Policy

This policy shall appear in each school's parent and student handbook, the athletic handbook and in each school's staff handbook.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Existing policy, presently numbered 5131.9 adopted 5/12/15, appropriate as renumbered and with updated legal references.

Students

Bullying, Teen Dating Violence Prevention and Intervention

The Enfield Board of Education is committed to creating and maintaining an educational environment that is physically, emotionally and intellectually safe and thus free from bullying, teen dating violence, harassment and discrimination. In accordance with state law and the Board's Safe School Climate Plan, the Board expressly prohibits any form of bullying, teen dating violence behavior on school grounds; at a school-sponsored or school-related activity, function or program, whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional Board of Education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.

The Board also prohibits any form of bullying, teen dating violence behavior outside of the school setting if such bullying, teen dating violence (i) creates a hostile environment at school for the student against whom such bullying, teen dating violence was directed, (ii) infringes on the rights of the student against whom such bullying, teen dating violence was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school. Discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying, teen dating violence is likewise prohibited.

Students who engage in bullying, teen dating violence behavior shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

For purposes of this policy, "**Bullying, Teen Dating Violence**" means the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, teen dating violence, 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, teen dating violence shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

Students

Bullying, Teen Dating Violence Prevention and Intervention (continued)

For purposes of this policy, “**Cyberbullying**” means any act of bullying, teen dating violence through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

Consistent with the requirements under state law, the Enfield Board of Education authorizes the Superintendent or his/her designee(s), along with the Safe School Climate Coordinator, to be responsible for developing and implementing a Safe School Climate Plan in furtherance of this policy. As provided by state law, such Safe School Climate Plan shall include, but not be limited to provisions which:

1. Enable students to anonymously report acts of bullying, teen dating violence to school employees and require students and the parents or guardians of students to be notified annually of the process by which students may make such reports;
2. enable the parents or guardians of students to file written reports of suspected bullying, teen dating violence;
3. require school employees who witness acts of bullying, teen dating violence or receive reports of bullying, teen dating violence to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, teen dating violence, and to file a written report not later than two school days after making such oral report;
4. require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying, teen dating violence and ensure that such investigation is completed promptly after receipt of any written reports made under this section;
5. require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;
6. include a prevention and intervention strategy for school employees to deal with bullying, teen dating violence;
7. provide for the inclusion of language in student codes of conduct concerning bullying, teen dating violence;
8. require each school to notify the parents or guardians of students who commit any verified acts of bullying, teen dating violence and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation;

Students

Bullying, Teen Dating Violence Prevention and Intervention (continued)

9. require each school to invite the parents or guardians of a student who commits any verified act of bullying, teen dating violence and the parents or guardians of the student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and to prevent further acts of bullying, teen dating violence;
10. establish a procedure for each school to document and maintain records relating to reports and investigations of bullying, teen dating violence in such school and to maintain a list of the number of verified acts of bullying, teen dating violence in such school and make such list available for public inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;
11. direct the development of case-by-case interventions for addressing repeated incidents of bullying, teen dating violence against a single individual or recurrently perpetrated bullying, teen dating violence incidents by the same individual that may include both counseling and discipline;
12. prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying, teen dating violence;
13. direct the development of student safety support plans for students against whom an act of bullying, teen dating violence was directed that address safety measures the school will take to protect such students against further acts of bullying, teen dating violence;
14. require the Principal of a school, or the Principal's designee, to notify the appropriate local law enforcement agency when such Principal, or the Principal's designee, believes that any acts of bullying, teen dating violence constitute criminal conduct;
15. prohibit bullying, teen dating violence (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional Board of Education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional Board of Education, and (B) outside of the school setting if such bullying, teen dating violence (i) creates a hostile environment at school for the student against whom such bullying, teen dating violence was directed, (ii) infringes on the rights of the student against whom such bullying, teen dating violence was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
16. require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's Safe School Climate Plan; and

Students

Bullying, Teen Dating Violence Prevention and Intervention (continued)

17. require that all school employees annually complete the training described in Connecticut General Statute §10-220a.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivision (9) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying, teen dating violence. Any information provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

Not later than January 1, 2012, the Enfield Board of Education shall approve the Safe School Climate Plan developed pursuant to this policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

Legal Reference: Connecticut General Statutes
10-15b Access of parent or guardian to student's records. Inspection and subpoena of school or student records.
10-222d Policy on bullying behavior as amended by PA 08-160, P.A. 11-232, P.A. 14-172 and PA 18-15.
P.A. 06-115 An Act Concerning Bullying Policies in Schools and Notices Sent to Parents or Legal Guardians.
P.A. 11-232 An Act Concerning the Strengthening of School Bullying Laws.
P.A. 13-3 An Act Concerning Gun Violence Protection and Safety
P.A. 14-172 An Act Concerning Improving Employment Opportunities through Education and Ensuring Safe School Climates.
P.A. 14-234 An Act Concerning Domestic Violence and Sexual Assault.

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 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, 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 (8th 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)

An updated sample policy to consider reflecting new legislation suggested as replacement for existing policy, number 5141.27 adopted 9/22/09, which does not reflect legislative modifications. The district is advised, when considering placement of these devices in the school setting, to involve the medical advisor.

Students

First Aid/Emergency Medical Care

Use of Automatic External Defibrillators (AEDs)

The Enfield School District strives to provide a safe environment for students, staff, parents and community as they learn and recreate in school facilities. In achieving a safe environment, automatic external defibrillators (AEDs) shall be placed at each school within the District if funding is available. The AED and trained personnel shall be available during (1) the school's normal operational hours, (2) school-sponsored athletic events and practices on school grounds, and (3) school-sponsored events not taking place during normal school operational hours. The automatic external defibrillators shall be used in emergency situations when sudden cardiac arrest occurs (*or shall be used in emergency situations warranting its use*). Each school shall also have school staff trained in the use of AEDs and in cardiopulmonary resuscitation (CPR). Such training shall be in accordance with the standards set forth by the American Red Cross or the American Heart Association. Only individuals who have completed the required initial training and recurrent training as specified by state law and regulations and as advised by the District's Medical Advisor will administer the device.

The AED will be stored in an accessible location in each school. The defibrillators shall be maintained and tested in accordance with the operational guidelines of the manufacturer and monitored by the school nurse. (or medical advisor, athletic director, safety coordinator, etc.)

Students who inappropriately access and/or use an AED will be deemed to have violated the school's conduct code and subject to disciplinary action.

The Emergency Medical Service System is to be activated immediately upon discovery of a situation in which the use of an AED is anticipated, as required. Activation will be via the 911 emergency telephone system. The activation of the Emergency Medical Service System must not be delayed due to the actual or anticipated use of an AED.

Each AED within the District shall be registered with the Town's Emergency Medical Service provider and with the Connecticut Office of Emergency Medical Services. A report shall be forwarded to the local EMS provider for medical review (*and to the District's Medical Advisor*) each time an AED is activated.

The [Medical Advisor, Principal, Superintendent, etc.] may specify that an authorized user may bring an AED to other areas of a school or its grounds for the purpose of standing by at specific events or activities. A communication mechanism will be established for the purpose of notifying trained authorized users within each building of the relocation of an AED from its usual place of storage.

Students

First Aid/Emergency Medical Care

Use of Automatic External Defibrillators (AEDs) (continued)

A regulation will delineate the procedures to be followed when using an AED. The procedure constitutes a physician's order and is to be written by the District's Medical Advisor.

Teachers and other school personnel, who have fulfilled the training requirements of this policy, providing emergency first aid involving the use of an AED shall be immune from liability if they meet the statutory requirements for immunity, which include a course in first aid that includes CPR and training in the use of AEDs provided in accordance with the standards of the American Red Cross or the American Heart Association.

It is the policy of the Board of Education to support the use of automatic external defibrillators and trained school personnel during medically appropriate circumstances.

The Board recognizes that in accordance with applicable legislation, it does not have to comply with these provisions if state, federal, or private funding is not available to it for AED purchasing and for school personnel training.

Use of Automatic External Defibrillators (AEDs) (continued)

The Board recognizes that it may, in lieu of purchasing an AED, accept an AED donation provided the donated AED meets the U.S. Food and Drug Administration standards and the device is in compliance with the manufacturer's maintenance schedule. The Board may also accept gifts, grants, and donations, including in-kind donations, designated for an AED purchase and the costs of (1) inspecting and maintaining the device and (2) training staff in its use.

Emergency Action Response Plans

Each school shall develop an emergency action response plan addressing the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Also, each school with an athletic department or organized athletic program shall develop an emergency action response plan addressing appropriate school personnel response to the same circumstances while attending or participating in an athletic event or practice on school grounds.

(cf. 5141 - Student Health Services)

(cf. 5141.1 - Care of Accidents)

(cf. 5141.26 - Emergency Situation with No Nurse in School)

(cf. 5141.3 - Health Assessments and Immunizations)

(cf. 5142 - Safety)

Students

First Aid/Emergency Medical Care

Legal Reference: Connecticut General Statutes
19a-175 Definitions
10-212d Availability of automatic external defibrillators in schools
10-221 Boards of education to prescribe rules.
52-557b "Good Samaritan law." Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render (as amended by P.A. 09-59).
Public Law 106-505 Cardiac Arrest Survival Act.
Public Law 105-170 Aviator Medical Assistance Act.
Public Law 107-188 The Public Health Security and Bioterrorism Response Act.

Policy adopted:

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Registry# _____

State of Connecticut
Department of Public Health
Office of Emergency Medical Services
(860) 509-7975

PSAP# _____

AUTOMATIC EXTERNAL DEFIBRILLATOR (AED) REGISTRY FORM
(Required by Public Act 98-62 – Please Print or Type – Use One Form Per AED)

1. Name of Owner _____
2. Mailing Address _____

3. Name of Contact Person _____
4. Telephone# _____ Fax# _____
5. AED Manufacturer _____ Model _____ Serial# _____
6. Name of Prescribing Physician _____
7. If AED is situated at a fixed location, please include town, street address, building name or number, and floor location. Note: Be as specific as possible.

8. If AED will not be in a fixed location, please describe how and where it will be deployed:

Mail completed form to: State of Connecticut
Department of Public Health
OEMS – AED REGISTRY
410 Capitol Avenue MS#12-EMS
P.O. Box 340308
Hartford, CT 06134-0308

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

AUTOMATIC EXTERNAL DEFIBRILLATOR LOG

A Predetermined AED Provider who is CPR and AED certified and has a copy of his/her certification on record with the Enfield Public Schools can retrieve, use and return this AED. Please complete the necessary information below:

[illegible]

***If out-of-service, immediately contact the Superintendent of Schools.**

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

AUTOMATIC EXTERNAL DEFIBRILLATOR INCIDENT REPORT

Name of person completing report: _____

Date report is being completed: _____ Date of Incident: _____

Name of patient on which AED was applied: _____ Age _____

Known status of patient

- ☐ Student
☐ Parent of Student
☐ Other, explain _____

Describe incident: _____

List series of events from the start of the emergency until its conclusion: _____

Your Signature: _____ Date: _____

Please forward to the Superintendent of Schools no later than 48 hours after the incident.

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

**CERTIFICATION OF COMPLIANCE WITH AED
POLICIES AND PROCEDURES**

I, _____ have read the Enfield Public Schools Automatic External Defibrillation Program Policy and Administrative Regulations. I am aware of its contents and I am comfortable with the procedures. I have had an opportunity to ask questions regarding the program and have had my questions answered. If at anytime, while functioning as an AED Provider using the AEDs available in the Enfield Public Schools, I have a concern or a question, I will ask the Superintendent of Schools or designee for clarification. I agree to follow the terms and conditions set forth in the policy and administrative regulations.

AED Provider Signature

Date

School Nurse

Date

Superintendent of Schools

Date

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

AUTOMATIC EXTERNAL DEFIBRILLATOR
SERVICE LOG

Date	Inspected and In-Service	Inspected and Out-of-Service	Signature of Nurse

Once per month or more often the school nurse will inspect the AED. If the AED is out-of-service or does not have the appropriate equipment, the school nurse will contact the Superintendent of Schools or designee immediately.

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

AED AGENCY NOTIFICATION LETTER

To: Office of Emergency Medical Services

From: Enfield Public School System

We would like to notify you and your department about a Public Access Defibrillator Program in the Enfield Public School District. Our Medical Director for the AED program is Dr. Russ Porter. He works directly with the Superintendent of Schools regarding the implementation and management of the AED program.

We have Automatic External Defibrillators in certain school buildings. The defibrillators are strategically placed and readily accessible to Predetermined AED Providers to maximize rapid utilization. The AED is available during school hours and after school hours during on site school activities. Each school nurse has received training in the use of the AED. A list of Predetermined AED Providers is available in each school nurse's office, the principal's office and in the office of the Superintendent of Schools.

The Predetermined AED Providers are school nurses and any other person who has received AED and CPR training (American Heart, American Red Cross, or an equivalent training), has a completion card on file with the Superintendent of Schools of the Enfield Public Schools, has received and read the Enfield Public Schools policy and administrative regulations and certified in writing his/her agreement to comply with same.

We look forward to meeting the challenge of healthcare in the new millennium and are constantly trying to enhance and improve our program. We appreciate your support.

Sincerely,

Director of Pupil Services

Superintendent of Schools

ENFIELD PUBLIC SCHOOLS
Enfield, Connecticut

State of Connecticut
Department of Public Health
Office of Emergency Medical Service
(860) 509-7975

Registry # _____

PSAP # _____

AUTOMATIC EXTERNAL DEFIBRILLATOR (AED) REGISTRY FORM
(Required by Public Act 98-62 – Please print or type – Use one form per AED)

Name of Owner _____

Mailing Address _____

Name of Contact Person _____

Telephone # _____ Fax # _____

AED Manufacturer _____ Model _____ Serial # _____

Name of Prescribing Physician _____

If AED is situated at a fixed location, please include town, street address, building name or number and floor location. Note: Be as specific as possible. _____

If AED will not be in a fixed location, please describe how and where it will be deployed: _____

Mail completed form to:

State of Connecticut
Department of Public Health
OEMS – AED REGISTRY
410 Capitol Avenue MS #12-EMS
P.O. Box 340308
Hartford, CT 06134-0308

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 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.
 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:

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: _____

(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)

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)

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)

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)

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

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.¹

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.

¹ 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 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.

<p>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).</p>

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. S2000-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)

Gebser 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

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 (7th Cir. 1998)

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

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

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

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

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.