

**SIMSBURY BOARD OF EDUCATION  
POLICY SERIES 5000, STUDENTS**

**5100 PUPIL PLACEMENT**

Since physical, intellectual and emotional growth occur at varying rates in children and youth, and since development in these areas is related to the challenges presented by peer groups and the school curriculum, school officials may exercise professional judgment in pupil placement decisions, subject to the following guidelines.

Revised January 10, 2006

**5111 ADMISSION REQUIREMENTS**

In establishing admission requirements, consideration should be given to developmental factors which relate to learning and which are not necessarily based on chronological age.

**5112 PROOF OF AGE**

Proof of age: Children entering school in Simsbury for the first time must present positive proof of birth date.

**5112.1 Age of Entering Kindergarten**

Children must be five years of age on or before January 1<sup>st</sup>.

**5112.2 Age of Entering First Grade**

Children must be six years of age on or before January 1<sup>st</sup> following their entrance into Grade 1, with the following exception:

- A. Underage children who have attended a qualified public or private kindergarten may be admitted to Grade 1 with the approval of school authorities and upon presentation of a signed statement from the kindergarten that the child is promoted to Grade 1 or the equivalent thereof.

Revised January 10, 2006

**5113 REQUIRED ATTENDANCE**

All children whose residence is in Simsbury shall be required to attend school or otherwise receive education equivalent to the studies taught in the public schools in accordance with statutes.

**5113.1 STUDENT ATTENDANCE AND TRUANCY**

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person

having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education, through its Superintendent, will adopt and maintain procedures to implement this policy.

#### Legal References:

Connecticut General Statutes §10-220

Connecticut General Statutes §10-184

Connecticut General Statutes §10-186

Connecticut General Statutes §10-198a

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

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

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

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

#### A. Definitions:

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. "Disciplinary absence"- Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused.
3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student's return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:

- A. Any absence before the student's 10th absence, is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - B. For the student's 10th absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this regulation, considered excused only for the following reasons:
    - a. student illness (verified by an appropriately licensed medical professional);
    - b. religious holidays;
    - c. mandated court appearances (documentation required);
    - d. funeral or death in the family, or other emergency beyond the control of the student's family;
    - e. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
    - f. lack of transportation that is normally provided by a district other than the one the student attends.
    - g. Mental health wellness days during which a student attends to such student's emotional and psychological well-being in lieu of attending school (two non-consecutive days allowed).
- 5. "In Attendance" - any day during which a student is not considered to be absent from his/her assigned school, or from an activity sponsored by the school (e.g. field trip), for at least one half of the school day.
  - 6. "Student" - a student enrolled in the Simsbury Public Schools.
  - 7. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any one month or **ten (10)** unexcused absences from school in any school year.
  - 8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

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

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. An incidence of absence is considered consecutive days of absence.
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's 10th absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
  - a. student illness:
    - (1) signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
    - (2) signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
  - b. religious holidays: none.
  - c. mandated court appearances:
    - (1) a police summons;
    - (2) a subpoena;
    - (3) a notice to appear;
    - (4) a signed note from a court official; or
    - (5) other official, written documentation of the legal requirement to appear in court.
  - d. funeral or death in the family, or other emergency beyond the control of the student's family: written document must explain the nature of the emergency.
  - e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
  - f. lack of transportation that is normally provided by a district other than the one the student attends: none.
  - g. mental health wellness days: signed note from parent/guardian

4. Neither e-mail nor text message shall serve to satisfy the requirement of written documentation. In rare and extraordinary circumstances, a building administrator may, in his/her own discretion, accept the delivery of written documentation through a scanned copy sent by e-mail.
5. The Simsbury Public Schools reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

5113.121 Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
  - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
  - b. be an opportunity not ordinarily available for this exemption;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:
  - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
  - b. contain the signatures of both the parent/guardian and the student;
  - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study;

- d. and  
include additional documentation, where available,  
about the opportunity.
- 4. The building principal shall provide a response in writing and include the following:
  - a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity;
  - e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
- 5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
- 6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
- 7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

#### 5113.2 Dismissal

In case of illness or other emergency necessitating dismissal of a pupil, the principal shall notify the parent or guardian before dismissing the pupil, if it is possible to do so. A pupil may also be dismissed from school early for any of the above reasons, provided a request is made by the parent or guardian with whom the pupil resides.

##### 5113.21 Releasing Pupils While in School

Pupils are under control of the school from time of entering school property, until leaving school property after dismissal. Pupils must have permission from school authorities to leave the school premises for any purpose whatsoever.

##### 5113.22 Parent Authorization

Pupils shall be released from school during the school day only to their parents or to persons authorized by their parents. The school principal shall check carefully to make certain that the person claiming to represent the parent is so authorized. This check may be made by telephoning the parent for

confirmation or by having the student identify the caller.

5113.23 Other Family Circumstances

In cases of other family circumstances (divorce, step-parents, grandparents, or separated parents, etc.), requests to take the pupil from school prior to scheduled dismissal shall be honored only if legal status is established.

When dismissal is at the parent's request for any reason, the school is relieved of all responsibility for the pupil's welfare.

5113.31 Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

5113.4 Student Withdrawal from School

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

5113.41 Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section D.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section D.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school

accommodations to the student not later than three (3) school days after the student requests readmission.

5113.5 Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate by the administration so as to ensure that the student is able to successfully return to the regular classroom setting.

5113.6 Procedures for Students in Grades K-8\*

1. Notification

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

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to



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

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

5113.7 Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.
- b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and

placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

Revised December 14, 2021

**5113.8 Reports to the State Regarding Truancy Data**

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

**5113.9 Attendance Records**

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

Revised June 10, 2014

## ADMINISTRATIVE REGULATIONS - TRUANCY

### A. Definitions

1. "Student" - a student enrolled in the Simsbury Public Schools.
2. "Unexcused absence" - any absence from a regularly scheduled school day, which absence is not an excused absence.
3. "Excused absence" - an absence from a regularly scheduled school day which, as determined by the building principal [or his/her designee], is for:
  - a. reasons of health, including illness, incapacity, or doctor's visits. The administration reserves the right to require physician or other appropriate certification for health-related absences.
  - b. religious holidays.
  - c. court appearance.
  - d. funeral or death in the family.
  - e. approved school activities, including field trips.
  - f. suspension or expulsion.
  - g. in limited circumstances, special activities or emergencies with the consent of the parent or other person having control of the child.
4. "Truant" - any student five to eighteen years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.
  - a. A student five or six years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five or six years of age.
  - b. A student seventeen years of age shall not be considered truant if the parent or person having control over

such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent.

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

B. Procedures for students in grades K-8\*

1. Notification

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

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal [or his/her designee] shall make a reasonable effort to notify the parent or other person having control

of such student by telephone of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

C. Procedures applicable to students ages five to eighteen

1. Intervention
  - a. When a student is truant, the building principal [or his/her designee] shall schedule a meeting with the parent or other person having control of such student and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than ten (10) days after the student becomes truant. [If the parent or other person declines to attend the meeting, that fact shall be documented and the meeting shall proceed with school personnel in attendance.]
  - b. The Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate.
  - c. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems shall be referred to the building Child Study Team [or other appropriate body] for program review and assistance. The

Team will review the student's need for referral for a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems shall be referred for a PPT meeting for program review.

## 5114 NON-RESIDENT STUDENTS

### 5114.1 Transfer Pupils

Pupils transferring to Simsbury from other school systems shall normally be assigned to the grade placement recommended by the transferring school system. Adjustments may be made following a careful evaluation of the child's placement in relation to all factors concerned.

### 5114.2 Enrollment of Pupils Whose Parents Move

Pupils whose parents move from Simsbury during the school year may continue in the school system with the approval of the Superintendent until the end of the current semester. This accommodation is a privilege. Accordingly, parents shall be responsible for the transportation of their children during the period of non-residence. In addition, the Superintendent may terminate this privilege for any legitimate reason, including but not limited to student misconduct, unexcused absences, or failure to maintain a passing grade in all subjects.

Revised May 25, 2010

### 5114.3 Enrollment of Seniors Whose Parents Move

High School students who are enrolled in the senior class whose parents move may be permitted to finish the year with their class with the approval of the Superintendent. This accommodation is a privilege. Accordingly, parents shall be responsible for the transportation of their children during the period of non-residence. In addition, the Superintendent may terminate this privilege for any legitimate reason, including but not limited to student misconduct, unexcused absences, or failure to maintain a passing grade in all subjects.

Revised May 25, 2010

### 5114.4 Pupils Who Will Become Residents

Pupils who will be residing in Simsbury within a period of 120 calendar days may attend school in Simsbury. Permission shall be granted upon a parent's written request, which should include information substantiating the fact that the family will be moving to town. Parents shall be responsible for the transportation of their children during the period of non-residence. If a student does not reside in Simsbury within 120 calendar days, the district is entitled to collect tuition.

Revised January 10, 2006

#### 5114.5 Enrollment of Non-Resident Pupils

The Superintendent is authorized to enroll non-resident students on a tuition basis. Tuition will be based on the local educational costs determined on an annual basis plus any additional costs required for the individual student, e.g. special education support. Enrollment of non-resident pupil is at the discretion of the Superintendent and is approved on a year by year basis. This accommodation is a privilege. Accordingly, parents shall be responsible for the transportation of their children during the period of non-residence. In addition, the Superintendent may terminate this privilege for any legitimate reason, including but not limited to student misconduct, unexcused absences, or failure to maintain a passing grade in all subjects. Should the Superintendent terminate the privilege of school attendance for an individual student, tuition paid for that student will be refunded on a pro rata basis for the remaining period for which tuition had been paid.

Notwithstanding the foregoing, after consultation with the Board, the Superintendent may admit a limited number of exchange or other international students (who are placed with families living in Simsbury) with or without payment of tuition as he/she deems in the best interest of the Simsbury Public Schools. Admission of such students shall be conditioned on compliance with all legal requirements, including appropriate visa status, and shall be considered a privilege. Accordingly, the Superintendent may terminate this privilege of school attendance for an exchange student for any legitimate reason, including but not limited to student misconduct, unexcused absences or failure to maintain a passing grade in all subjects.

Revised May 25, 2010



ADMINISTRATIVE REGULATION NON-RESIDENT NON-SPECIAL  
EDUCATION TUITION PUPILS

1. Application to enroll a non-resident pupil shall be directed to the Superintendent of Schools or designee who is authorized to enroll the pupil and execute a tuition agreement on a space-available, tuition payment basis provided enrollment of the pupil is in the best interest of the school system as determined by the Superintendent of Schools or designee.
2. Tuition fees for non-resident pupils shall be based upon local educational costs according to a schedule determined by the Business Manager on an annual basis.
3. Tuition fees for non-resident pupils accepted for enrollment in the Simsbury Public Schools after the first day of school shall be at a full rate per semester.
4. As part of the registration process, parents or guardians of non-resident tuition pupils will be required to enter into a contractual agreement acknowledging their obligation to pay the established fee and to adhere to the terms of the stated agreement.
5. Any tuition agreement may be terminated by the Board of Education at any time upon recommendation of the Superintendent of Schools, if it is determined that such action is in the best interest of the pupil or school.

Adopted January 10, 2006

5115 SPECIAL EDUCATION TUITION PUPILS

By agreement between the Superintendent and the sending school district, tuition pupils may be enrolled in special classes, or in special programs.

Tuition fees for all non-resident pupils shall be established by the Board of Education, acting through the Superintendent, based upon local educational costs.

Revised January 10, 2006

5115.11 Re-enrollment of Drop-outs

High School drop-outs under 21 years of age may enroll in high school courses (under an individual program) with the approval of the Superintendent. Registration shall be subject to the availability of facilities and course offerings. In addition, this option shall not be available to students for ninety calendar days after their withdrawal from school, and students who are nineteen years of age and who cannot earn sufficient credits to graduate by age 21 may be placed in adult education.

The Guidance Department will evaluate the credentials of all drop-outs applying for re-enrollment. The Department will consult with the High School Principal to develop a program of study and to determine whether approval is in the best interest of the school and within the scope of the educational program. The Superintendent shall make the final decision.

Revised January 10, 2006

## APPENDIX A

### Dispute Resolution Process Under Connecticut General Statutes Section 10-186

- (1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor or a pupil eighteen years of age or older who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may
- (A) conduct the hearing,
  - (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
  - (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing within ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding within ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor eighteen years or older who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor or pupil eighteen years of age or older, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence.

- (2) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or

local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal. If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor or pupil eighteen years of age or older where residency is at issue.

(3) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(4) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of

education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

## 5116 NON-DISCRIMINATION

### 5116.1 Non-Discrimination (Student)

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, sex, sexual orientation, gender identity or expression, marital status, age, disability or pregnancy, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability, pregnancy, gender identity or expression.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

#### Legal References:

Title IX of the Education Amendments of 1972, 20  
U.S.C. § 1681, *et seq.*  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §  
2000d, *et seq.*  
Americans with Disabilities Act, 42 U.S.C. § 12101, *et*  
*seq.*  
Connecticut General Statutes § 10-15c and § 46a-

81a, *et seq.* - Discrimination on basis of sexual  
orientation  
Section 504 of the Rehabilitation Act of 1973, 29  
U.S.C. § 794, *et seq.*

Revised April 26, 2016

## **ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)**

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression.

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act/Americans with Disabilities Act (ADA) (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment (for claims of discrimination and/or harassment based on sex).

All other complaints by a student or other individuals alleging discrimination on the basis of the protected characteristics listed herein should file a written complaint with:

Neil Sullivan, Assistant Superintendent for Administration  
[nsullivan@simsbury.k12.ct.us](mailto:nsullivan@simsbury.k12.ct.us)  
**(860) 651-3361**

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.



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

#### Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression, he/she should make a written complaint to the Assistant Superintendent for Administration or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,  
and
- G. Detailed statement of the circumstances constituting the  
alleged harassment/discrimination.

Any student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals

reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

Upon receipt of a written complaint of discrimination, the investigator should:

1. offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
2. provide the complainant with a copy of the Board's anti-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law
6. communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within thirty (30) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
7. if a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant will receive

notice and interim measures may be implemented as necessary (see sub-paragraph 6);

8. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
9. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant of the proposed actions within fifteen (15) school days following the receipt of the written request for review.

At any time, a complainant alleging race, color or national origin discrimination or harassment has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111).

**DISCRIMINATION COMPLAINT FORM**  
**(For Complaints Based on Race, Color, Religion, Age, Sex, Marital Status,**  
**Sexual Orientation, National Origin, Ancestry, Disability, Pregnancy, or**  
**Gender Identity or Expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment. \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
harassment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### 5116.2 Homeless Children and Youth

In accordance with federal law, it is the policy of the Simsbury Board of Education to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

## ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

In accordance with federal law, the Board of Education does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law with respect to homeless children and youth, the provisions of law shall control.

### I. Definitions:

- A. Enroll and Enrollment: includes attending classes and participating fully in school activities.
- B. Homeless Children and Youth: means children and youth twenty-one (21) years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
  - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
  - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
  - 3. Are living in emergency or transitional shelters.
  - 4. Are abandoned in hospitals.
  - 5. Are awaiting foster care placement.
  - 6. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - 7. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  - 8. Are migratory children living in the above described circumstances.
- C. School of Origin: means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled.
- D. Unaccompanied Youth: means a youth not in the physical custody of a parent or guardian.

II. Homeless Liaison:

A. The District's Homeless Liaison is the Assistant Superintendent for Administration.

B. The duties of the Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in, the District's schools.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible.
4. Ensuring that parents and guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.
5. Ensuring that public notice of the educational rights of homeless children and youth is disseminated in places in which these children and youth receive services under the McKinney-Vento Act.
6. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act.
7. Ensuring that parent(s)/guardian(s) of homeless children and youth or unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
8. Assisting homeless children and youth in enrolling in school and accessing school services.
9. Informing parent(s)/guardian(s) of homeless children and youth, school personnel, and others of the rights of such children and youth.
10. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
11. Assisting unaccompanied youth in placement/enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of his or her right to appeal such decisions.

12. Ensuring that homeless children and youth and unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over enrollment or placement.
13. Collaborating and coordinating with State Coordinators for the Education of Homeless Children and Youth and community and school personnel responsible for providing education and related support services to homeless children and youth.

III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian to provide contact information prior to enrollment.
- B. To facilitate enrollment administrators:
  1. May permit parents/guardians of homeless children and youth to sign affidavits of residency to replace typical proof of residency.
  2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
  3. Shall refer parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.
  4. Shall contact previous schools for records and assistance with placement decisions.
  5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

IV. School Selection:

- A. Standards for School Selection:
  1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
  2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the



academic year if the child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the child or youth is actually living are eligible to attend.

B. Procedures for Review of School Selection Recommendation:

1. The Principal or his/her designee of the school in which enrollment is sought review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding same. If the Principal or his/her designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or his/her designee shall refer the matter to the Superintendent or his/her designee for review of the recommendation and the reasons therefore, and shall notify the District's Homeless Liaison of same.
2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the Principal or his/her designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board of Education.

C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District

must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.

3. If necessary, the District Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board of Education, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Section 10-186(b).
4. Within ten (10) days of receipt of an appeal to the Board of Education by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board of Education concerning such appeal, and such hearing shall be conducted in accordance with Section 10-186(b).
5. If the Board of Education finds in favor of the Superintendent or his/her designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board of Education's decision to the State Board of Education within twenty (20) days of receipt of the Board of Education's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending the determination of the appeal.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
  1. Title I services or similar state or local programs, educational programs for students with disabilities,

programs for students with limited English proficiency, and preschool programs.

2. Transportation services.
3. Vocational and technical education.
4. Programs for gifted and talented students.
5. School nutrition programs.
6. Before and after school programs.

- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.

- B. Transportation shall be provided, at a parent or guardian's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.

- C. To comply with these requirements:

1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.
2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.
3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other

school district's Homeless Liaison to determine an apportionment of the responsibility and costs.

4. If no mutually agreeable arrangement can be reached, then the District shall:

- (a) arrange transportation immediately;
- (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
- (c) shall ensure that such disputes do not interfere with the homeless child or youth attending school.

VII. Contact Information

- A. Local Contact: For further information, contact:  
Assistant Superintendent for Administration  
860-651-3361
- B. State Contact: For further information or technical assistance, contact:  
Louis Tallarita, State Coordinator  
Connecticut Department of Education  
25 Industrial Park Road  
Middletown, CT 06457-1543  
(203) 807-2058

Adopted January 10, 2006

**APPENDIX B**

**WRITTEN NOTIFICATION OF ENROLLMENT DECISION**

[Month] \_\_, 200\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

Assistant Superintendent for Administration  
860-651-3361

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense. You may contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator  
State Department of Education  
25 Industrial Park Road  
Middletown, CT 06457-1543  
(860) 807-2058

A copy of the dispute resolution process under section 10-186 is attached to this notice.

Please contact the District Liaison listed above if you have any questions.

Sincerely,

Superintendent of Schools

cc: [Superintendent of Schools in which enrollment is sought, if appropriate]

**NOTIFICATION OF DECISION  
TO APPEAL EDUCATIONAL PLACEMENT**

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District Liaison.

Person completing form: \_\_\_\_\_

Relation to Student: \_\_\_\_\_

Contact Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District's decision, contact information for the District's homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District Liaison.

**APPENDIX D**

**NOTIFICATION OF HEARING  
REGARDING ENROLLMENT DISPUTE**

[Month] \_\_, 200\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent]:

You have requested a hearing before the [town] Board of Education regarding the educational placement of your child(ren), [insert name(s) of student(s)] at [name of school]. The [town] Board of Education will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the [town] Board of Education, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board of Education will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire.

Please contact the District Liaison, [insert name], if you have any questions.

Sincerely,

Superintendent of Schools

Cc: [Superintendent of Schools in which enrollment is sought, if appropriate]

## APPENDIX E

### STUDENT RESIDENCY AFFIDAVIT

Simsbury

Name of student: \_\_\_\_\_

Birthdate: \_\_\_\_\_

Name and Location of School Last Attended: \_\_\_\_\_

I, \_\_\_\_\_ declare and affirm as follows:

I am of legal age and believe in the obligations of an oath.

I am the parent/legal guardian/caregiver of \_\_\_\_\_ (name of student) who is of school age and is seeking admission to Simsbury.

Since \_\_\_\_\_ (date), \_\_\_\_\_ (name of student) has not had a permanent home. However, he/she has been residing within the school district boundaries and intends to stay here. He/she is currently staying at

\_\_\_\_\_ (address).

This location is:

- \_\_\_\_\_ a shelter
- \_\_\_\_\_ a motel/hotel
- \_\_\_\_\_ a campsite
- \_\_\_\_\_ shared housing with other persons
- \_\_\_\_\_ other \_\_\_\_\_

I regularly receive my mail at: \_\_\_\_\_.

I am currently living at the following address:

\_\_\_\_\_.

I can be reached at the following telephone number:

\_\_\_\_\_.

I can be reached for emergencies at:

\_\_\_\_\_.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge.

AFFIANT,

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC



**AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION**

Simsbury

I, \_\_\_\_\_, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

\_\_\_\_ Proof of residency  
\_\_\_\_ Proof of guardianship  
\_\_\_\_ Proof of identity  
\_\_\_\_ Birth Certificate

\_\_\_\_ Immunization Record  
\_\_\_\_ School Health Record  
\_\_\_\_ School Records

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The name and location of the last school the student attended is

\_\_\_\_\_.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District.

AFFIANT,

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

5116.3 Policy Regarding Section 504 Of The Rehabilitation Act Of 1973

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is an Act that prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. Section 504 defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Simsbury Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system. Persons who feel that they may have been discriminated against on the basis of disability should contact the Simsbury Public School's Section 504 Coordinator.

The school district also has specific responsibilities under the Section 504 with respect to providing access to appropriate educational services for students who qualify under Section 504. These responsibilities include the obligation to identify, to evaluate, and to afford access to appropriate educational services. If the parent or guardian disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, or educational placement of their child, he/she has a right to an impartial hearing.

If there are questions, please contact the Assistant Superintendent for Teaching & Learning, §504 Coordinator for the Simsbury Public Schools, at phone number 860-651-3361.

## ADMINISTRATIVE REGULATIONS REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

### Simsbury Board of Education Section 504 Complaint/Grievance

#### Procedures:

Under Section 504, a person with a disability is anyone who (a) has, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

#### *I. Procedures for Complaints/Grievances Alleging Discrimination on the Basis of Disability*

It is the express policy of the Board of Education to provide for the prompt and equitable resolution of complaints and/or grievances alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints and/or grievances, any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability should contact the district's designated Section 504 Coordinator within thirty (30) days of the alleged occurrence to discuss the nature of the complaint. If the Section 504 Coordinator is the subject of the complaint and/or grievance, the complaint and/or grievance should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. Timely reporting of complaints and/or grievances facilitates the investigation and resolution of such complaints and/or grievances.

Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible. Complaints and/or grievances regarding a student's rights with respect to his/her identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below in Section II.

#### *II. Procedures for Complaints/Grievances Regarding a Student's Identification, Evaluation and/or Educational Placement*

Complaints and/or grievances regarding a student's identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below:

#### A. Informal Level

1. In order to facilitate the prompt investigation of complaints, any complaint and/or grievance regarding a student's identification, evaluation or educational placement should be forwarded to the district's Section 504 Coordinator within thirty (30) days of the alleged occurrence to discuss the nature of the complaint. Timely reporting of complaints facilitates the resolution of potential educational disputes as it assists the district in gathering current, accurate information and enables the district to take corrective actions when necessary to ensure that a student is provided with an appropriate educational program.
2. The Coordinator shall maintain a written record containing the following:
  - a. Full name and address of complainant;
  - b. Specific areas of disagreement relating to the child's identification, evaluation, and/or educational placement; and
  - c. Remedy requested.
3. At the time the complaint is filed, the Coordinator should direct the complainant to the appropriate administrator who will investigate the complaint and send a written report to the Coordinator. The Coordinator shall then meet informally with the complainant and other relevant individual(s), shall provide confidential counseling where advisable and shall finally seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the Section 504 complaint at this level when possible.
4. This process shall take no longer than ten (1) working days from the time the complaint was received.

#### B. Formal Level/Impartial Hearing

1. If the complainant is not satisfied with the resolution offered in the initial informal procedures, he/she may initiate more formal procedures to further explore and resolve a Section 504 complaint/grievance regarding a student's identification, evaluation, or educational placement.
2. The complainant shall present the written complaint to the Superintendent within fifteen (15) days after the conclusion of the informal resolution process. The

Superintendent may resolve the complaint alone or with the appropriate administrator.

3. If the complaint is not resolved, the Superintendent shall hear and fully review the case within thirty (30) days of the receipt of the complaint/grievance regarding a student's identification, evaluation, or educational placement.
  - a. The Coordinator shall inform all parties of the date, time and place of the grievance hearing and of their right to present witnesses or representatives, if desired. The Coordinator shall provide assistance to the complainant in understanding the grievance procedure process.
  - b. A written record of the hearing shall be kept.
  - c. A written decision shall be sent to the complainant within the (10) working days after the conclusion of the hearing.
4. If the complainant is not satisfied with the Superintendent's decision, he/she may, within fifteen (15) days of the Superintendent's decision, request that the Superintendent submit the matter to an impartial hearing officer or to a mediator. Mediation shall only occur by mutual agreement of the parties.
  - a. Mediation procedures:
    - i. The mediator must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).
    - ii. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
    - iii. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
    - iv. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.
  - b. Impartial hearing procedures:
    - i. The impartial hearing officer must be

someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).

- ii. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es) and to have legal counsel or other representation at the complainant's own expense, if desired.
- iii. The impartial hearing officer shall hear all aspects of the complainant's appeal and shall reach a decision within forty-five (45) days of receipt of the written appeal. The decision shall be presented in writing to the complainant.
- iv. A section 504 impartial hearing officer does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.

- 5. The time limits noted throughout Section II may be extended if more time is needed to permit thorough review and opportunity for resolution.

*III. The Section 504 Coordinator for this district is:*

Assistant Superintendent for Teaching & Learning  
860-651-3361

*IV. Complaints to State and Federal Agencies*

At any stage in these complaint/grievance procedures, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111). Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged violation of Section 504.

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (TELEPHONE NUMBER 566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (TELEPHONE NUMBER 617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within one hundred and eighty (180) days of the date when the alleged discrimination. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Adopted January 10, 2006

5116.81 Simsbury Public Schools Notice Of Parent/Student Rights  
Under Section 504 Of The Rehabilitation Act Of 1973

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as "Section 504") is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA), but entitlement to services under the IDEA or other statutes is not required to receive services under Section 504.

The following is a description of the rights and options granted by federal law to students with disabilities under Section 504. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Simsbury School District's education programs without discrimination based on his/her disability.
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified with respect to the Section 504 identification, evaluation, and educational placement of your child;
5. To have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education. This includes the right to receive reasonable accommodations, modifications, and related services to



allow your child an equal opportunity to participate in school and school-related activities;

7. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
8. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
9. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
10. To obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. To request changes in the educational program of your child;
12. To an impartial hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense.
13. To file a court action if you are dissatisfied with the impartial hearing officer's decision or to request attorney's fees related to securing your child's rights under Section 504.
14. To file a local grievance with the designated Section 504 Coordinator to resolve complaints of discrimination other than those involving the identification, evaluation or placement of your child.
15. To file a formal complaint with the U.S. Department of Education, Office of Civil Rights.

The Section 504 Coordinator for this district is:

Assistant Superintendent for Teaching & Learning, 860-651-3361

For additional assistance regarding your rights under Section 504, you may contact:

Boston Regional Office  
Office for Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921

(617) 289-0111

U.S. Department of Education  
Office of Civil Rights  
330 C Street, S.W.  
Washington, DC 20202  
(800) 421-3481

Connecticut State Department of Education  
Bureau of Special Education and Pupil Services  
P.O. Box 2219  
Hartford, CT 06145  
(860) 807-2030

### Section 504 of the Rehabilitation Act of 1973

#### Definition:

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students and adults who have a disability.

Specifically, the Act states:

“No otherwise qualified individual with handicaps in the United States shall, solely by reason of her or his handicap, as defined in section 706(8) of this title, be excluded from the participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794)

The Act defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

### Eligibility for 504 Plan:

The 504 Team will determine those students who are eligible for a 504 Plan. There are basically two ways a 504 Plan can be developed.

#### 1. New Referrals

- a) Students who are suspected to have a disability which adversely affects their education performance should be referred to the school's Planning and Placement Team. A referral PPT meeting is held to design a multidisciplinary team evaluation.
- b) Students who are evaluated and found to have a disability (as defined under state and federal special education laws, CT 10-76 and the Individuals with Disabilities Education Act, IDEA) which adversely affects their educational performance requiring special education instruction will have an Individualized Education Plan developed by the PPT. Students who do not meet eligibility requirements for special education could be considered under Section 504. This can be done following the Initial Program PPT meeting after the determination is made that the student is not eligible for special education services. The PPT will adjourn and the student would be referred to the 504 Team.
- c) Eligibility under Section 504 is not the same as eligibility under IDEA. Key points to use when determining eligibility include:
  - Section 504 eligibility is very broad and covers many different types of disabilities and disabling conditions, many of which are not covered under IDEA
  - Eligibility is based on the definition of disability, as defined in Section 504
  - Eligibility is not based on clinical categories, such as mental retardation or learning disabilities
- d) Under Section 504, a person is considered to have a disability if that person:
  - has a physical or mental impairment which substantially limits one or more of such person's major life activities (caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning and working)
  - has a record of such an impairment
  - is regarded as having such an impairment

- e) The determination of whether or not a disability “substantially limits” a major life activity is left to the professional judgment of the PPT. Factors which the 504 Team should consider are: nature and severity of the impairment, duration or expected duration of the impairment, and the permanent or long-term negative impact resulting from the impairment on the student’s academic, (grades), social or emotional functioning.
- f) The 504 Team, with parent authorization, should obtain any non-school evaluations which document the student’s medically related disability. These diagnoses and/or evaluations will be considered by the 504 Team in light of other school data and evaluations and will be included in the student’s school file.
- g) Students not found eligible for special education services may be covered under Section 504. These may include certain mental, physical or health impairments:
  - students with chronic health needs (communicable diseases, tuberculosis, asthma, diabetes, heart disease) or temporary medical conditions due to illness or accident
  - students with Attention Deficit/Hyperactivity Disorder
  - students who have a history of drug and alcohol abuse
  - students with mild specific disabilities (e.g., hearing, visual, learning, physical) and who do not need special education but who need minor modifications in their regular education program.
  - students who exit out of special education programs

## 2. Students exiting special education

The PPT should consider whether students should be referred to the 504 Team upon exiting from special education services. Even though students with learning disabilities or attention deficit disorders, for example, may no longer require direct special education instruction, they may require modifications in their regular education program which would be deemed reasonable and customary. Such modifications might include: preferential seating, communication with the student’s regular classroom teacher about the disability, home-school communication systems, extended time for tests including the State Mastery Test, Scholastic Aptitude Tests, etc.

### Section 504 Procedures:

1. The 504 Team, based on an evaluation of the student’s needs, will determine eligibility under Section 504 and will develop the student’s Accommodation Plan.

2. The Building Administrator needs to sign off on all Accommodation Plans. The Building Administrator/designee will distribute copies of the Accommodation Plan to:

- parents (together with parent's rights)
- school counselor (or psychologist)
- school nurse
- other staff deemed appropriate

A copy of the Student Accommodation Plan will be placed in the student's CAT III file together with an evaluation conducted on the student.

3. A contact person will be designated on the Accommodation Plan.

Elementary Level: School Psychologist

Middle/High Level: School Counselor

Elementary/Middle/High Level: School Nurse

The contact person will serve as the key communicator with the parents and regular education teaching staff. The contact person will monitor the progress of the student, consult with appropriate staff and call review meetings as appropriate.

The contact person can re-refer students under a 504 Plan back to the Planning and Placement Team for an evaluation if the student's needs change and it is suspected the student would require special education services.

4. Building nurse will maintain a centralized log of all students who have been identified under Section 504 which includes student's name, date of initial identification, grade, impairment and include such information on the Medical/Health Information Sheet developed each year. Building nurse will be responsible for providing log to elementary Building chair and to middle/high school chair on a yearly basis.
5. Building chair will schedule annual and triennial re-evaluation meetings to review and revise the Student Accommodation Plan, as needed.
6. Building chair will coordinate untimed testing procedures and forward exemptions for standardized tests to the System-Wide Testing Coordinator as is the practice with other students (e.g. IDEA, ESOL).

#### Non-Discrimination:

Section 504 prohibits discrimination against children and adults with

disabilities. The non-discrimination requirement of Section 504 includes both physical and program accessibility.

Physical accessibility means that students cannot be denied access to school programs because buildings or locations of programs are not accessible.

Program accessibility means that students with disabilities cannot be denied access solely by reason of their disabilities in activities such as health services, recreation, clubs, specific academic/vocational courses, field trips, etc.

Adopted January 10, 2006

### 5117 Educational Programs

#### 5117.1 Agricultural Science Education:

Pursuant to section C.G.S. 10-97 (b) school districts that do not furnish agricultural science education approved by the State Board of Education, shall designate a school or schools having such a course approved by the State Board of Education. Simsbury Public Schools has identified Suffield Regional Agriscience Center as the designated approved program for resident students to attend. Simsbury Public Schools are responsible for tuition payment and reasonable and necessary costs of transportation for any student who has completed eighth grade and who is not a graduate of a high school or vocational school who is a resident of Simsbury and attends Suffield Agriscience Center. The cost of transportation shall not exceed \$6,000 per school year as defined by statute.

Adopted December 13, 2011

### 5118 Non-Enrolled Students

#### 5118.1 Participation in School Activities by Non-Enrolled Students

Pursuant to State law, school-age children who are Simsbury residents can be excused from the statutory requirement to attend school if the child's parent or guardian notifies the school district that the child is receiving home instruction. Upon receipt of such notification, the Superintendent of Schools will send an acknowledgement to the parent confirming that the Simsbury Public Schools will not be responsible for the student's school instruction.

Participation in Simsbury Public School activities and programs including, but not limited to, athletic teams, extra-curricular clubs and programs, and

school courses, is allowed only for students enrolled in the Simsbury Public Schools.

*Exception: Following guidelines from the Connecticut Interscholastic Athletic Conference (CIAC), Simsbury Public Schools will allow student athletes attending a Charter, Magnet, Regional Cooperative or an Inter-district Satellite school when that school does not offer any interscholastic athletic program to participate in interscholastic athletics if he/she is eligible to matriculate at Simsbury High School.*

Legal Reference:  
Connecticut General Statutes §10-184

Revised April 26, 2016

## 5122 ASSIGNMENT TO TEACHERS AND CLASSES

### 5122.1 Placement Factors

Each Building Principal will have the responsibility and the authority for assignment of each student to his or her class and, therefore, his or her teacher with the best interests of the child in mind. Principals will not take requests to place children with particular teachers. The parent(s)/guardian(s) is/are encouraged to consult with their Principal or designee in the spring prior to classroom assignments concerning the child's learning style, specialties and difficulties, and particular needs, personal or educational.

Students transferring from a school accredited by a State Department of Education will enroll at the grade level and with the course credits indicated by the records of the previous school. Students transferring from a school that is non-accredited will be accepted for enrollment at the level school records indicate, but the level of mastery and the quality of their previous class work must be validated against the District's performance standards and benchmarks.

### 5122.2 Placement Authority

The final decision of grade placement rests with the school administration with the exception of children requiring Special Education as outlined in the Connecticut General Statutes.

In all instances of retention or acceleration, parent conferences shall be scheduled by the school administration with the best interest of the student serving as the primary criterion in the decision-making process.

Revised May 25, 2010

5122.3 Special Education Placement

Assignments to special education classes shall be made in accordance with Connecticut General Statutes and federal law.

Revised January 10, 2006

5123 PUPIL PROGRESS

The administration and professional staff shall establish a system of grading and reporting academic achievement to students and their parents / guardians. The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, performance on the statewide testing program and on other district assessments, meeting the statewide reading standards in the primary grades, academic potential and student aptitude. A student shall not be retained based upon age or any other social reason not related to academic performance. The district shall provide alternatives to retention such as, but not limited to supplemental instructional services that may require students whose academic performance jeopardizes their promotion or graduation to attend programs during school, afterschool, or in the summer to remediate an academic deficiency.

Revised May 25, 2010

5123.1 Reports to Parents

It is the philosophy of the Simsbury School System that the parents should be aware of their child's progress. To that end, periodic reports shall be made via report cards, conferences, informal notes.



## ADMINISTRATIVE REGULATION RETENTION OR ACCELERATION OF ELEMENTARY STUDENTS

### General

- A. Children are expected to progress through the elementary schools at the rate of one grade per year.
- B. Exceptions occur when evaluation and analysis by the district suggests that it would be in the best interest of the child to either spend a second year in the same grade (retention) or to be advanced one grade (acceleration).
- C. Non-promotion or acceleration of more than one year is to be considered as an alternative in only the most unusual of circumstances.

### Procedures to be Followed

- A. During the first marking period or as soon as evident, each teacher will bring forth to the Student Intervention Team (SIT) names of students whose academic progress warrants a SIT meeting to determine early intervention approaches to be instituted. Relevant data such as the following is to be presented at the SIT meeting:
  - 1. Specific skill strengths and weaknesses in language arts, math, behavior, communication, motor
  - 2. Summary of primary concerns
  - 3. Summary of parent involvement
  - 4. Relevant background information
  - 5. History of general education interventions
  - 6. Summary of interventions implemented as a result of PLC discussions
  - 7. SIMS student profile
  - 8. Student Literacy Profile
  - 9. Relevant classroom assessments
  - 10. Relevant work samples
- B. Based upon the SIT meeting, a written plan will be developed to address the student's lack of achievement. Such a plan will include recommendations for intervention considerations and progress monitoring to assess student performance. The plan will be monitored by the teacher, SIT members, and principal. By the end of the second marking period, appropriate representatives from the school will meet with the parents to discuss the student's response to interventions and current progress.
- C. Principal requests teachers to indicate to his or her office, in writing, on or before March 1, the names of any children being considered

for retention or acceleration.

- D. The period from March 1 to May 15 is used for monitoring, observing, evaluating, and analyzing the child's needs as defined by the Student Intervention Team plan. The recommendation for retention/acceleration is considered by the Student Intervention Team.
- E. Parents are notified by the March report card conference that their child is being considered for retention or acceleration. Program modification, alternative strategies or need for additional testing are explained at this time.
- F. Between the date of the March conference and June 1, an additional conference should be scheduled with parents to review the data and present recommendations.
- G. The final decision for retention or acceleration is to be made by the Student Intervention Team on or before June 1. The classroom teacher is responsible for completing the "Recommendation for Retention/Acceleration Summary" and submitting the form to the building principal for final action.
- H. The authority for such a decision rests with the building principal.
- I. Once the decision is made, the following steps are to be followed:
  - 1. A confirming letter indicating the decision is to be sent to the parents on or before June 5.
  - 2. A copy of this letter is to be attached to the Recommendation for Retention/Acceleration Summary form.
  - 3. A copy of the Recommendation for Retention/Acceleration Summary and parent letter are to be placed in the Category II Cumulative Record Jacket. A copy of each of these items is also to be retained by the building principal.
  - 4. A list of those pupils being retained is to be forwarded to the Assistant Superintendent for Administration by June 1.

Revised May 25, 2010

**Simsbury Public Schools**  
**Recommendation for Retention / Acceleration Summary**

Student Name			Age:		Birth date:	
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School:			Grade:		Teacher:	
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Date Submitted:	
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Section I: Completed by Classroom Teacher
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Please complete this form for any child that you are considering for retention or acceleration. All information should be precise, accurate, and as current as possible. When all sections have been completed, please forward a copy to your building principal by June 1. This form will provide a record of progress and the documentation needed if retention / promotion / acceleration is the final action recommended. (\* Attach Student Intervention Team paperwork)

- I. Reading performance. Write a synopsis of reading progress and include all assessment data\* collected to date. Be sure to clearly define student strengths and areas of concern.

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- II. Math Performance. Write a synopsis of math progress and include all assessment data\* collected to date. Be sure to clearly define student strengths and areas of concern.

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- III. Writing Performance. Write a synopsis of writing progress and include all assessment data\* collected to date. Be sure to clearly define student strengths and areas of concern.

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IV. Other Assessment Data.

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V. Social / Emotional Development.

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VI. Indicate who initiated this request:

Teacher	_____
Parent	_____
Other	_____

VII. Is this the first time the student has been considered for retention / acceleration?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, has the student been referred for an individual evaluation?

Yes \_\_\_\_\_ No \_\_\_\_\_

VIII. Have you discussed the possibility of retention / acceleration with the child's parents?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please summarize conversation(s):

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IX. Summarize strategies / supports taken to address student progress.

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X. Conference(s) held with parents:  
Date\_\_\_\_\_ Persons Present:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date\_\_\_\_\_ Persons Present:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Classroom Teacher \_\_\_\_\_ Date:\_\_\_\_\_

Section II: Completed by Building Principal
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I. Disposition of consideration for retention / acceleration: Promoted \_\_\_\_\_  
Retained \_\_\_\_\_  
Accelerated \_\_\_\_\_

II. Criteria for disposition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Principal Signature: \_\_\_\_\_

5126 STUDENT SCHOLARSHIPS AND AWARDS

The Board of Education, to motivate and reward accomplishment and to assist further educational development, shall encourage the establishment of scholarships and awards.

5126.1 Board Approval

All scholarships and awards together with their provisions and terms and the methods of selecting recipients must be presented for Board approval. All approved scholarships and awards shall be attached to and become a part of the policies.

5126.2 Commercial Restriction

In no case shall a scholarship or award be allowed which shall contribute directly toward the financial gain of a commercial organization by a merchandising venture

5126.3 Mandatory Restriction

In no case shall participation in a scholarship be made mandatory for the student.

5126.4 Non-Discrimination

All scholarships and award criteria shall include the statement that eligibility shall not be based upon race, color, religion, sex, age, disability, or national origin.

The Board of Education shall not participate, nor cooperate, in the selection of a recipient for a scholarship or award when consideration is given to race, color, creed, sex, age disability or national origin.

Revised January 10, 2006

ADMINISTRATIVE PROCEDURES  
APPROVED SCHOLARSHIPS AND AWARDS  
LIST OF LOCAL SCHOLARSHIPS 2021-22

American Legion School Award  
Architecture Award  
Avon Dental Group Scholarship  
Balsewicz (Dennis W.) Memorial Scholarship  
Banks (Gary Scott) Memorial Award  
Blanthin (Robert Clark) Memorial Fund  
Collier (Paul D.) Masonic Scholarship  
Colmery (Barry Scott) Memorial Scholarship  
CSZ Foundation Scholarship  
Eric Dahlin Memorial Scholarship  
DAR Adelaide Meile Scholarship  
DAR Good Citizen Award  
Dombkowski (Rose S.) Scholarship  
Ellsworth (Henry E.) Scholarship  
First Church of Christ Deacons Scholarship  
Gelineau (Linda) Memorial Scholarship  
Gersten Award  
Humphrey (Grace) Award  
Karen McHose Memorial Scholarship  
Kelleher (Lieutenant Richard F.) Memorial Scholarship  
Knights of Columbus Patriotism Award  
Lowndes (Ed) Memorial Scholarship  
Professor Gilbert Maffeo Jr. Memorial Scholarship  
Magowan (Kathleen) Memorial Scholarship  
McGrath (Arthur) Award of Student Assembly  
McLean Fund Scholars  
Miller (Marie) Memorial Scholarship  
Moran, Shuster, Carignan and Knierim Scholarship  
National Art Honor Society  
National Honor Society Scholarship  
Northwest Community Bank Scholarship  
Pope (Christopher) Memorial Scholarship  
Pursuit of Passion Scholarship  
Pyne (Donald) Scholarship  
SEPTO Spirit Award  
Simsbury Bicentennial Scholarship  
Simsbury Community Band Scholarship  
Simsbury Education Association (SEA) Scholarship  
Simsbury Farms Men's Club Scholarship  
Simsbury Federation of Educational Personnel (SFEP) Bonnie Grabowski Scholarship  
Simsbury Garden Club Scholarship  
Simsbury High School Equity Council Scholarship  
Simsbury Junior Woman's Club Scholarship  
Simsbury Light Opera Company Award  
Simsbury Lions Club (The John H. 'Jack' Bannan, Sr.) Memorial Scholarship  
Simsbury Lions Club (Bernard Francis, Esq.) Memorial Scholarship

Simsbury Little League, Inc.- Tommy Tanski Memorial Scholarship  
Simsbury Police Union (David Vidal) Criminal Justice Memorial Scholarship  
Simsbury Supervisors and School Administrators' Association (SSASA) Scholarship  
Simsbury Travel Basketball Scholarship  
Student Council Leadership Award  
Technical Theater Award  
Theatre Guild of Simsbury Award  
Tri-M Music Honors Society Scholarship

The list of scholarships is available on the following website: [www.simsbury.k12.ct.us](http://www.simsbury.k12.ct.us)  
link to SHS School Counseling.

Revised March 22, 2022



## 5127 STUDENT RECORD POLICY

### 5127.1 Confidentiality and Access to Student Records

#### I. Policy

The Board of Education ("Board") complies with the state and federal regulations regarding confidentiality, access to and amendment of student records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

#### II. Definitions

- A. Access is defined as the right to inspect or review a student's educational records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.
- C. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.
- D. Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.

- E. Legitimate Educational Interest means the need for a school official to review an educational record in order to fulfill his or her professional responsibilities.
- F. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student, however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1954 is entitled to the student's records without the eligible student's consent.
- G. Personally Identifiable Information includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.
- H. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, educational service provider, medical consultant, psychologist, evaluator 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 or her tasks.
  - a. Signed and Dated Written Consent to disclose personally identifiable student information from a student's records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of consent.

I. Student Records

1. "Student records" shall include any information directly related to a student that is recorded in any manner (e.g., in writing, on film, or on tape or disk) and that is maintained by the school system or persons acting for the school system.
2. "Student records" shall not include:
  - a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
  - b) employment records used only in relation to the student's employment by the school district;
  - c) alumni records that contain information about the student after he/she is no longer in attendance at the school;
  - d) records on an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment; and
  - e) records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement.

III. Procedures

The following procedures shall apply regarding student records:

- A. Parents and/or eligible students have the right to inspect and review all education records of their child (or, in the case of an eligible student, all education records pertaining to himself/herself). A request to inspect and review records shall be in writing. The Board shall respond to all such requests in a prompt manner.
- B. For the records of regular education students, the Board will make records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.

- C. For the records of special education students, the following time frames apply: As required by Section 10-76d-18(b)(1) of the Regulations of Connecticut State Agencies, written requests by parents of students requiring special education and related services to inspect and review records will be accommodated within ten (10) school days of the receipt of such requests, within three (3) school days of the receipt of such requests if the requests are made in order to prepare for a meeting regarding an individualized education program or within three (3) calendar days of such a request if the request is made in order to prepare for a meeting related to any due process proceeding.

One free copy of a student's records will be provided to parents of students requiring special education and related services upon written request within five (5) school days of the request.

- D. The school district will appoint an individual to be responsible for the care and upkeep of all student records. Educational records are kept by categories, each of which encompasses a specific type of data collected during a student's education career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.
- E. On an annual basis, the school district will notify parents of students or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Pupil Personnel Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.

#### IV. Confidentiality of Education Records

- A. All school staff must understand that personally identifiable information in student records is confidential. Each person who

has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages.

- B. Student records are not public records and any disclosure other than to persons authorized to receive the records without prior parent consent violates the law and Board policy, except as provided in federal and state statutes.

V. Accessibility to Student Records

- A. A parent or eligible student has the right to inspect and review specific confidential information about the student unless such rights have been waived under Section IX, below.
- B. Aside from a parent or eligible student, only staff members who have been determined by the school system to have a legitimate educational need, and the other exemptions as set forth in Section VI, may have access to a student's records. Pursuant to the procedures set forth in Section V(E), below, the district maintains a record of parties that have requested access to education records, including information found in/digital records.
- C. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning himself/herself. All requests for access to student records must be in writing. A parent does not lose his or her right to access to records upon divorce. Non-custodial parents retain their rights to review their child's education records unless otherwise ordered by a court.
  - 1. When requesting inspection or review, a parent or eligible student must submit a written request that identifies the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed. Requests will be accommodated within a reasonable period of time, but in no case more than forty-five (45) calendar days after the receipt of such requests.
  - 2. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of student records to a designated representative must be signed and dated by

the parent or eligible student.

3. A school professional shall be present at all such inspections and reviews and shall explain and interpret data in the records whenever access is granted.
- D. A fee cannot be charged by the system to search for or to retrieve the educational records of a student. If a student has been identified as requiring special education and related services, the parents' right to inspect and review the child's records shall include the right to receive one free copy of those records. An eligible student who is identified as requiring special education and related services is entitled to one free copy of his/her records. A request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed 50¢ per page.
- E. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks.
1. The record (log) shall indicate the name of any individual, agency, or organization that requested or obtained access to the student's records, the date of the request for access, whether access was given, and the purpose for which the party was granted access to the records, including the names of additional parties to whom the receiving party may disclose the information on behalf of the school district, and the legitimate educational interest in obtaining the information.
  2. The record (log) requirement does not apply to requests from, or disclosure to:
    - a) a parent or eligible student;
    - b) a party seeking directory information;
    - c) a party who has signed and dated written consent from the parent and/or eligible student;
    - d) school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record;
    - e) persons seeking or receiving the information as directed by a Federal grand jury or other law

enforcement subpoena (provided that the information requested is not to be re-disclosed).

3. The record (log) is a permanent part of the student's records and must be available to the parent or eligible student upon request.

F. The Board shall enter into a written contract with a consultant or operator any time that the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator. This contracting requirement applies to any contract entered into, amended or renewed on or after July 1, 2018.

- 1) The provisions of said contract shall comply with the requirements of Public Act 18-125.
- 2) Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's internet website. The notice shall:
  - a. State that the contract has been executed and the date that such contract was executed;
  - b. Provide a brief description of the contract and the purpose of the contract; and
  - c. State what student information, student records, or student-generated content may be collected as a result of the contract.
- 3) On or before September 1<sup>st</sup> of each school year, the Board of Education shall electronically notify students and parents or legal guardians of students of the address of the internet website described in this section.
- 4) For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records, or student-generated content, the Board shall electronically notify, not later than forty-eight (48) hours after receipt of such notice, the student and the parents or guardians of the student whose information is

involved in such breach. The Board shall post notice of such breach on the Board's website. The internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to Burke LaClair, Business Manager, and/or Joncia Lytwynec, Director of Instructional Technology.

- 5) For purposes of this subsection, the following definitions are applicable:
- a. Consultant means a professional who provides non-instructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet website, online service, or mobile application with actual knowledge that such Internet website, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet website, online service or mobile application, and (b) collects, maintains or uses student information.
  - c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel, or parents or legal guardians of students.
  - d. Student means a person who is resident of the state and (a) is enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; or (b) is enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; or (c) is receiving special education and related services under an individualized education program; or (d) is



otherwise the responsibility of the Board.

- e. Student Information means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following:
  - 1. Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent, or legal guardian using the operator's internet web site, online service, or mobile application for school purposes;
  - 2. Created or provided by an employee or agent of the Board to an operator for school purposes;
  - 3. Gathered by an operator through the operation of the operator's Internet website, online service, or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.
- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student

information allowed under the contract to be used by the consultant or operator to:

1. Improve educational products for adaptive learning purposes and customize student learning; or
2. Demonstrate the effectiveness of the contractor's products in the marketing of such products; or
3. Develop and improve the consultant's or operator's products and services.

#### VI. The Release of Records or Personal Data

- A. The school system or its designated agent(s) may not permit release of personally identifiable records or files of any student to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VI.D below. Personally identifiable information contained in the student record, other than directory information, will not be furnished in any form (i.e., written, digital format, taped, person-to-person, statement over the telephone, , e-mailed, etc.) to any person other than those listed below, unless written consent has been obtained.
- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, note the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. If circumstances effectively prevent the parent or eligible student from exercising their right to inspect and review educational records, the board of education shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the inspection and/or review of the requested information.
- D. In accordance with Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191; and other relevant state statutes, personally identifiable information released to any party is NOT to contain a student's social security number.
- E. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure is:

1. To other school officials who have been determined by such agency or institution to have legitimate educational interests in the records.
2. To officials of another public school, including a public charter school, in which the student seeks or intends to enroll. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section VIII.
3. To authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or State and local educational authorities, under the following conditions: the school shall provide such authorized representatives access to student or other records that may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but shall not permit such representatives to collect personally identifiable information unless specifically authorized to do so by state and federal law or if the parent or eligible student has given written consent for the disclosure.
4. In connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, if the disclosure concerns the juvenile justice system and its ability effectively to serve the student whose records are released. If reporting or disclosure is permitted pursuant to a state statute concerning the juvenile justice system adopted after November 19, 1974, such disclosure may be made without consent only if the officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student

aid programs, or improving instruction, so long as the study does not permit personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed after it is no longer needed for the purposes for which the study was conducted.

7. To accrediting organizations in order to carry out their accrediting functions.
8. To parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
9. To comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
10. In connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. Between two or more public schools in which the student is enrolled or receiving services.
12. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
13. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's educational records that are relevant for the school district to defend itself.
14. To the Attorney General of the United States or his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in

sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code. When producing information or permitting access to student records pursuant to this subsection, the school district is not required to record its disclosure in the record (log) referred to in Section V(E).

Revised June 11, 2019

#### G. Directory Information

1. The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one year.
2. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless a parent or eligible student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one year.
3. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

#### H. Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

3. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- I. The District will also facilitate the transfer of a student's disciplinary records to officials of any private school in which the student seeks or intends to enroll.

## VII. Amendment of Student Records

- A. If a parent or an eligible student believes that information in the student's records is inaccurate or misleading or in violation the student's right to privacy, he/she is entitled to:
  1. Request in writing that the school district amend the records;
  2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments.
- C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing.

## VIII. Hearing Rights and Procedures

- A. Rights
  1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
  2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the

parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's records a statement setting forth the reasons for disagreement with the decision.
  - a. Any explanation placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
  - b. If the records of the student or the contested portion are disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

#### B. Procedures

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.
2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.
3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.
4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.
5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

IX. Waiver of Rights

- A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:
  - 1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
  - 2. The letters or statements are used only for the purpose for which they were originally intended.
  - 3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.
  - 4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.
- D. If a parent of a student executes a waiver, that waiver may be revoked by the student at any time after he/she reaches the age of 18.

X. Special Confidentiality Procedures for HIV-Related Information

- A. The following definitions shall apply to Section X of this policy:
  - 1. Confidential HIV-Related Information

"Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual's partners.



## 2. Health Care Provider

"Health Care Provider" means any physician, dentist, nurse, provider of services for the mentally ill or persons with mental retardation, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

## 3. Protected Individual

"Protected individual" means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

## 4. Release of confidential HIV-related information

"Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

## 5. School Medical Personnel

"School medical personnel" means an employee of the Board who is a school nurse or the school district medical adviser.

## B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or

redisclosure.

2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

#### C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
  - a. the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
  - b. any person who secures a release of confidential HIV-related information;
  - c. a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
  - d. a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
  - e. a medical examiner to assist in determining cause of death; or
  - f. any person allowed access to such information by a court order.

#### D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related

information for the sole purpose of disclosing such information to school medical personnel.

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.
3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

#### E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other

information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

#### XI. Child Abuse Reporting

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy [reference policy number]

#### XII. Right to File A Complaint

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

Revised May 9, 2017

## ADMINISTRATIVE REGULATIONS RE: CLASSIFICATION OF STUDENT RECORDS

The School District will appoint a Custodian of Records who will ensure that student education records are kept as follows:

### A. CATEGORY "I" RECORDS:

1. Category I includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.
2. Category I records should be reviewed at least every three (3) years, while the student is in school.
3. Category I records may be maintained on microfilm after six (6) years beyond graduating class date.
4. Category I records shall be maintained for at least fifty (50) years after the student leaves school or graduates.
5. Category I records shall include the following identifying data:

<u>RECORD</u>	<u>LOCATION</u>
a. Name, address, date of birth	Cumulative/Health File
b. Name of parent(s) or guardian, address, telephone #	Cumulative/Health File
c. Academic achievement (grades/transcript)	Cumulative File
d. Level of academic achievement (class standing/academic level)	Cumulative File
e. Date of high school graduation or equivalent	Cumulative File
f. Student activities and significant awards	Cumulative File
g. Records of immunizations	Cumulative/Health/Pupil Personnel File

B. CATEGORY "II" RECORDS

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.
2. Data in Category II must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's school record. Category II information should be reviewed at least every three (3) years while the student is in school.
3. Category II records may be destroyed ***according to records retention***
4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative educational record if the student graduates from high school, except for notice of an expulsion based upon possession of a firearm or deadly weapon.
5. Category II records shall include the following (if applicable):

<u>RECORD</u>	<u>LOCATION</u>
a. Standardized academic achievement test scores (CTBS, CAPT, CMT)	Cumulative File
b. Standardized group aptitude and/or personality testing program	Cumulative File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
<b><i>Child Study Records</i></b>	<b><i>Cumulative File</i></b>
e. Speech/articulation screenings and hearing evaluations (not special	Cumulative/Health File
f. Family background information	Cumulative File
g. Systematically gathered teacher or counselor ratings and observations	Cumulative File
h. Comprehensive health records	Cumulative Health File
i. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File

j. Disciplinary records	Cumulative File
k. Extracurricular activities	Cumulative File
l. Letters of Recommendation	Cumulative File
m. Parent/eligible student's signed release forms for disclosure	Cumulative/Health/Pupil Personnel File
n. Family with Service Needs Records	Cumulative File
o. Reports of Child Abuse/Neglect	CONFIDENTIAL FILE Located in the Central Office
p. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE Within the student's health record

6. Records containing information pertaining to child abuse/neglect referrals or reports, or containing confidential HIV-related information should be kept separate from the student's cumulative folder, in confidential files, located as noted above.
7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.
8. Information contained in documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential. Such records shall only be disclosed in accordance with the Board's policy regarding Confidentiality and Access to Student Records.

C. CATEGORY "III" RECORDS – SPECIAL EDUCATION

1. Category III includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.
2. Category III information should be kept separate from the student's cumulative folder, in the Pupil Personnel File, and reviewed annually.
3. Category III records may be destroyed after six (6) years following the student's graduation, or the graduation of the class to which he/she belonged. Prior to the destruction of Category III information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category III shall include (where applicable):

<u>RECORD</u>	<u>LOCATIONS</u>
a. PPT referral forms	Pupil Personnel File
b. Reports of serious recurrent behavior patterns	Pupil Personnel File
c. Psychological evaluations and psychologists' reports or recommendations	Pupil Personnel File
d. Planning and Placement Team minutes, findings, and recommendations	Pupil Personnel File
e. Individualized education plans ("IEPs")	Pupil Personnel File
f. School social work summaries	Pupil Personnel File
g. Learning disabilities evaluations	Pupil Personnel File
h. Occupational therapy evaluations	Pupil Personnel File
i. Physical therapy evaluations	Pupil Personnel File
j. Reports of evaluations completed outside the school system (neurological, psychiatric, medical, etc.)	Pupil Personnel File
k. Section 504 Records	Pupil Personnel File
l. Consent forms	Pupil Personnel File
m. Individualized Family Service Plans ("IFSPs")	Pupil Personnel File
n. Due process records	Pupil Personnel File

D. DURATION OF STUDENT RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.



2. Records may be maintained for longer periods of time may whenever valid cause for the retention of records is shown to the custodian of records.

E. RESPONSIBILITY FOR MAINTENANCE OF STUDENT RECORDS

1. The Director of Pupil Personnel [or Special Education] is the Custodian of Records.
2. In addition, the following personnel are designated as the guardians of records for each of the schools:
  - a. Categories I and II: Principal at each school.
  - b. Category III: Case Manager at each school.
  - c. With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records. With respect to child abuse and neglect investigation material, **the custodian of records** shall be the guardian of the records.
3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.
4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the Simsbury Public Schools.

Revised October 13, 2020

## Appendix G

### Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

- (1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal [or appropriate school official] will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violates the student's privacy rights.

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

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has 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 or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District will disclose a student's education record without consent to officials of another public school, including a public charter school, in which the student seeks or intends to enroll.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student. Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic and video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

The written objection to the disclosure of directory information shall be good for only one year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless a parent or eligible student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one year. In all other circumstances, information designated as directory information will not be released when requested by a

third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

## RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize \_\_\_\_\_ [name of individual who holds the information] \_\_\_\_\_, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning \_\_\_\_\_ [name of protected individual] \_\_\_\_\_, to the following personnel:

- \_\_\_\_\_ 1) School Nurse
- \_\_\_\_\_ 2) School Administrator(s)
- a) \_\_\_\_\_
- b) \_\_\_\_\_
- \_\_\_\_\_ 3) Student's Teacher(s)
- a) \_\_\_\_\_
- b) \_\_\_\_\_
- \_\_\_\_\_ 4) Paraprofessional(s)
- \_\_\_\_\_ 5) Director of Pupil Personnel Services
- \_\_\_\_\_ 6) Other(s)
- a) \_\_\_\_\_
- b) \_\_\_\_\_

This authorization shall be valid for

- \_\_\_\_\_ 1) The student's stay at \_\_\_\_\_ School.
- \_\_\_\_\_ 2) The current school year.
- \_\_\_\_\_ 3) Other \_\_\_\_\_
- specify period

I provide this information based on my responsibility to consent for the health care of \_\_\_\_\_. I understand that such information shall be held confidential by the persons authorized here to receive such information, except as otherwise provided by law.

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Relationship to Student]

## 5128 CLASS SIZE

### Class Size Policy

The Board shall approve policies establishing class size, taking into account the educational welfare of the student, the nature of the subjects being taught, the grade level, the availability of teachers and classrooms, and the financial ability of the town to support the educational program.

#### Administrative Regulations:

The following guidelines will be used by the administration when recommending staffing for the schools:

#### A. Elementary Class Size

- Student/Teacher ratio:  
Elementary schools will maintain a minimum overall class size of no less than a 20:1 student/classroom teacher ratio.\*
- Recommended class size:

	<u>Average Class Size</u>	<u>Appropriate Range</u>
K-2*	20	16 - 22
3-6	23	18 - 25

- \* In a situation where, adherence to the minimum teacher-student ratio of 1:20, calculated on the total enrollment of a school, there exists a classroom or classrooms substantially out of parity with that ratio, and where the principal of an elementary school finds that an additional teacher, part-teacher or tutor, is necessary to carry out the intent of the class size policy, the principal may request that an additional teacher, part-teacher, or tutor, be assigned to such school and the superintendent is authorized to employ such teacher, part-teacher or tutor, as long as the appropriate budget limit is not exceeded.

## B. Secondary Class Size

- Core department class size recommendation
  - Math, Science, English, Social Studies, and World Language

	Average Class Size	Appropriate Range
<u>Level</u>	<u>For Staffing Purposes</u>	<u>Of Students</u>
Level I	23	18 – 25
Level II	23	18 – 25
Level III	15	13 – 17

- Simsbury High School Elective/Henry James Middle School  
Unified Arts Classes – Class Size Recommendation

<u>Department</u>	<u>Appropriate Range</u>
Art	15 – 19
Family & Consumer Science	15 – 19
Technology Education	15 – 19
Health	15 – 19 (HJMS)
	21 – 25 (SHS)
Physical Education	21 – 25
Business	21 – 25 (SHS)
Music	Dependent on Ensemble

- Guidance Department Student/Counselor Ratio
  - No more than 220 students per counselor at SHS
  - No more than 235 students per counselor at HJMS
- Classes or sections with an enrollment that falls below the appropriate range may be eliminated or combined with other classes.

## Exceptions to BOE Class Size Guidelines

The following are criteria that *may* justify classes or sections with enrollment lower than the Board of Education class size guidelines, based on the recommendation of the school principal with approval of superintendent/designee.

Exception	Example(s)	Comments
1. New class needs a pilot year, with expectation of higher enrollment in future		
2. To balance an individual teacher's student load	Small AP Theory or small group lesson taught by choral teacher who has 250 students in his/her other classes	
3. Unavoidable scheduling conflict or the number of students signed up necessitates creating an additional section of - {an important course} {a course required for balanced middle school teaming} {a course required for graduation} {a course students need to continue a multi-year sequence}	78 students sign up for freshman honors English, so must offer either 3 sections of 26 or 4 sections of 19/20  Advanced Placement courses	In some cases such a class might be combined with a small section from the preceding year of the sequence (i.e., combining sections of Spanish IV and Spanish V)

Revised June 13, 2018



5129 FUNDRAISING ACTIVITIES

Students may engage in raising funds for school-sponsored activities or programs. Parent permission must be obtained when fundraising includes door to door solicitation. In addition, K-8 students engaged in door to door solicitation must be accompanied by an adult. High school level students may engage in door to door solicitation if accompanied by an adult or by another student.

The Board of Education will not be responsible for any fundraising activities that are not approved in accordance with the procedures set forth in this policy and the accompanying regulations.

Revised January 10, 2006

## **ADMINISTRATIVE REGULATION FUNDRAISING ACTIVITIES**

In the implementation of the Board policy regarding fundraising activities, the following guidelines shall apply:

- A. Fund drives shall be under the auspices of a school club, activity, or organization.
- B. Student fund drives shall be limited to school-related activities.
- C. All student fund drives shall be approved by the administration.
- D. In pursuing student fund drives, school personnel, private individuals and local merchants shall be protected from pressure tactics, high prices, and frequent solicitations.
- E. All advertising solicited for student fund drives shall be suitable to a school publication.
- F. The administration shall establish financial procedures to be followed for all fund drives.

5130 PHYSICAL ACTIVITY AND STUDENT DISCIPLINE

It is the policy of the Board of Education to promote the health and well-being of district students by encouraging healthy lifestyles including promoting physical exercise and activity as part of the school day.

**Prohibition on Deprivation of Physical Exercise Period as a Form of Discipline:**

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, to be devoted to physical exercise. The Board prohibits school employees from disciplining elementary school students by preventing them from participating in the entire time devoted to physical exercise during the regular school day.

**Prohibition on Compulsion of Physical Activity as a Form of Discipline:**

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

**Definition:**

For the purposes of this policy, a “school employee” is defined as (1) a teacher, substitute teacher, school administrator, school superintendent, School Counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district schools pursuant to a contract with the Board.

**Disciplinary Action for Failure to Follow Policy:**

Any employee who fails to comply with the requirements of 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 students enrolled in the district 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.

Legal References: Connecticut General Statutes  
§ 10-221o Lunch periods. Recess.  
Public Act 13-173, “An Act Concerning Childhood Obesity  
and Physical Exercise in the Schools”

Adopted May 27, 2014

## 5131 PUPIL CONTROL

The Board shall support activities which create an orderly and disciplined atmosphere without which group learning suffers. However, an attitude of flexibility should be encouraged as part of the educational process in order that students have the opportunity to develop self-discipline.

No employee of the Simsbury Public Schools may use physical force to punish students. However, in the event of unforeseen circumstances, employees may use reasonable physical force to the extent that the employee believes it is necessary:

- a. to prevent injury to themselves or to others
- b. to obtain possession of a dangerous instrument or controlled substance within control of the student
- c. to protect property from physical damage
- d. to restrain the student or remove him/her to another area in order to maintain order and prevent disruption to the educational process.

Revised January 10, 2006

### 5131.1 School Responsibility

In accordance with law, schools have no general responsibility for student conduct on their way to and from school after dismissal (walkers) or discharge from the bus (riders).

Revised January 10, 2006

### 5131.2 Physical Restraint and Seclusion of Students

The Board of Education seeks to foster a safe and positive learning environment for all students. Board of Education employees will restrict the use of physical restraint or seclusion of students to emergency situations, in accordance with this policy and accompanying administrative regulations and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual.

The Board of Education authorizes the Superintendent or his/her designee to develop and implement Administrative Regulations in accordance with this Policy and applicable law. The Board of Education mandates compliance with this Policy and the associated Administrative Regulations at all times. Violations of this Policy and/or associated Administrative Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible

termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

Legal References: Public Act 18-51, An Act Implementing the Recommendations of the Department of Education  
Conn. Gen. Stat. § 10-76b  
Conn. Gen. Stat. § 10-76d  
Conn. Gen. Stat. § 53a-18 to 53a-22  
Regs. Conn. State Agencies §§ 10-76b-5 through 10-76b-11

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

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018)

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018)

Revised June 11, 2019

## **ADMINISTRATIVE REGULATIONS CONCERNING PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS**

The Simsbury Public Schools (the “District”) seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint or seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

### **I. Definitions:**

- A. Life Threatening Physical Restraint: Any physical restraint or hold of a person that (1) restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.
- B. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior;
- C. 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: (1) Briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) 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 (i) part of a documented treatment plan or an Individualized Education Program (“IEP”); or (ii) prescribed or recommended by a medical professional, as

defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury.

- D. School Employee: (1) Any individual employed by the Simsbury Public Schools who is a teacher, substitute teacher, administrator, superintendent, School Counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (2) any other individual who in the course of performing his or her duties has regular contact and provides services to or on behalf of student enrolled in the Simsbury Public Schools or pursuant to a contract with the Simsbury Public Schools.
- E. Seclusion: The confinement of a person in a room, whether alone or with supervision by a school employee, in a manner that prevents the person from leaving that room. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.
- F. Student: a child who is
  - 1. Enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;
  - 2. Receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;
  - 3. Enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR
  - 4. Receiving special education and related services from an approved private special education program.

## II. Life-Threatening Physical Restraint

- A No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

### III. Procedures for Physical Restraint and Seclusion of Students

- A. No school employee shall use physical restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- B. No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District's trainings plans as described in Section X below, upon implementation thereof.
- C. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- D. School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- E. School employees must comply with all regulations promulgated by the Connecticut State Department of Education in their use of physical restraint and seclusion with a student.
- F. Monitoring
  - 1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either:
    - a. direct observation of the student; or
    - b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
  - 2. Involuntary seclusion: A school employee must frequently monitor any student who is involuntarily placed in seclusion. The monitoring must be conducted by either:
    - a. direct observation of the student; or
    - b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
- G. Length
  - 1. Any period of physical restraint or seclusion:
    - a. shall be limited to that time necessary to allow the student to



compose him or herself and return to the educational environment; and

- b. shall not exceed fifteen (15) minutes, except as provided below.
  - 2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:
    - a. an administrator, or such administrator's designee;
    - b. a school health or mental health personnel; or
    - c. a board certified behavior analyst.
  - 3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- H. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

#### IV. Seclusion Room Requirements

Seclusion can happen in any location, although a district may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;

D. be free of any object that poses a danger to the student who is being placed in the seclusion room;

E. conform to applicable building code requirements.

V. Use of Psychopharmacologic Agent

A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:

1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.

B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

C. Any administration of a psychopharmacologic agent must **ONLY** be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

VI. Required Meetings

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

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

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

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

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

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

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

## VII. Crisis Intervention Team

- A. Each school year, the Director of Pupil Services shall require each school in the District to identify a crisis intervention team consisting of school professionals, paraprofessional staff members and administrators who have been trained, in accordance with state law, in the use of physical restraint and seclusion.
- B. Members of crisis intervention 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 others.

## VIII. Documentation and Communication

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the form provided by the Simsbury Public Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in

the educational file of the student who was physically restrained or secluded. The information documented on the form must include the following:

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

B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or secluded.

1. A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall notify the parent or guardian within twenty-four (24) hours after a student is initially placed in physical restraint or seclusion.
2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
4. The Director of Pupil Services [or other responsible administrator] shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.

C. The Director of Pupil Services, or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or

surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Department of Education relating to physical restraint and seclusion.

1. The Director of Pupil Services [or other responsible administrator], or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
  2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the student's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the student's IEP.
- D. The Director of Pupil Services , or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a student;
  2. the nature of the emergency that necessitated its use;
  3. whether the seclusion of a student was conducted pursuant to an IEP; AND
  3. if the physical restraint or seclusion resulted in physical injury to the student.

#### IX. Responsibilities of the Director of Pupil Services

- A. The Director of Pupil Services [or other responsible administrator], or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conduct pursuant to IEPs.
- B. The Director of Pupil Services [or other responsible administrator], or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint

or seclusion that resulted in physical injury (serious and non-serious) to the student.

X. Professional Development Plan and Training

A. The District shall annually provide all school professionals, paraprofessional staff members and administrators with an overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students. Such overview shall be in a manner and form as prescribed by the State Department of Education.

B. Plan Concerning Prevention Training

1. The District shall develop a plan through which training regarding the prevention of incidents requiring physical restraint or seclusion of students is provided to all school professionals, paraprofessional staff members and administrators.
2. This plan shall be implemented no later than July 1, 2017.
3. This plan shall require the training of all school professionals, paraprofessional staff and administrators not later than July 1, 2019.

C. Plan Concerning Proper Means of Using Physical Restraint and Seclusion

1. The District shall develop a plan through which training regarding the proper means of physically restraining or secluding a student is provided to all school professionals, paraprofessional staff members and administrators. Such training shall include, but not be limited to:
  - a. verbal defusing or de-escalation;
  - b. prevention strategies;
  - c. types of physical restraint;
  - d. the differences between life-threatening physical restraint and other varying levels of physical restraint;
  - e. the differences between permissible physical restraint and pain compliance techniques;
  - f. monitoring to prevent harm to a person physically restrained or in seclusion; and

- g. recording and reporting procedures on the use of physical restraint and seclusion.
- 2. This plan shall be implemented no later than July 1, 2017.
- 3. This plan shall require the training of all school professionals, paraprofessional staff and administrators not later than July 1, 2019, and periodically thereafter as prescribed by the State Department of Education.

XI. Review and Revision of Policies, Regulations and Procedures

- A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students on the District's Internet web site and procedures manual.
- B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

Legal References:

Conn. Gen. Stat. § 10-76b  
Conn. Gen. Stat. § 10-76d  
Conn. Gen. Stat. § 53a-18 to 53a-22  
Public Act 15-141, "An Act Concerning Seclusion and Restraint in Schools"  
Regs. Conn. State Agencies §§ 10-76b-5 through 10-76b-11, as amended July 1, 2013

Other References:

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

"New Legislation for Public Act 15-141: An Act Concerning Seclusion and Restraint in Schools," Connecticut State Department of Education, October 5, 2015 Memorandum from Dr. Isabelina Rodriguez.

## 5131.91 Hazing

### I. Purpose

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

### II. Definition

“Hazing” means any action or activity that endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization or activity, including membership of any athletic team. The term shall include, but not be limited to:

1. Any type of physical abuse such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
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 or harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the ingestion or 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 morally degrading or humiliating game, prank, stunt, practical joke or other activity that (a) intimidates or threatens the student with ostracism; (b) subjects the student to stress, embarrassment, or shame; and/or (c) 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.

### III. Applicability of Policy

- A. No student, teacher, administrator, coach, volunteer, contractor, or



other person affiliated with the school district by employment or otherwise shall plan, direct, encourage, aid, engage, condone, or permit hazing. Apparent permission or consent by a person who is the victim of hazing will not avoid the prohibitions contained in this policy.

- B. The Superintendent or designee will act to investigate all complaints of hazing and will discipline or take appropriate action against any person who is found to have violated this policy.
- C. For the purposes of student discipline, the Board of Education considers hazing to be seriously disruptive of the educational process whether or not it occurs on school property or at a school sponsored activity and whether or not it occurs during the school day.

#### IV. Reporting/Investigative Procedures

- A. Individuals who believe that they have 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 the appropriate school official so that the incident can be properly investigated and appropriate action can be taken, including immediate notification of the Superintendent of Schools.
- B. At the building level, the principal is the person responsible for receiving reports of hazing. In the case of athletic teams the report may be made to the coach of the team, the Director of Athletics, the school nurse, or the school administration. Any person may report hazing directly to the Superintendent.
- C. Teachers, administrators, volunteers, coaches, and other persons employed or affiliated with 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 that may constitute hazing, shall immediately inform the appropriate school official, as outlined in section B (above).
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or participation in school activities.

#### V. School District Action

- A. Upon receipt of a complaint or report of hazing, the Superintendent shall undertake or authorize an investigation by the school district.

- B. Pending completion of a hazing investigation, the school administration may, at its discretion, take immediate steps to protect the complainant, reporter, students, or other persons involved.
- C. Upon completion of the investigation, the school administration may take appropriate action if necessary. Such action may include, but is not limited to, warning, detention, suspension, exclusion, expulsion, or termination of employment in the case of staff.

#### VI. Reprisal

The Superintendent will take appropriate action, including disciplinary action, in the event of retaliation against any person who makes a good faith report of alleged hazing or who testifies, assists, or participates in an investigation, or 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

This policy shall appear in all parent-student handbooks and staff handbooks.

Adopted May 14, 2002

#### 5131.911 BULLYING PREVENTION AND INTERVENTION POLICY

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

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

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

For purposes of this policy, (1) **“Bullying”** means an act that is direct or indirect and severe, persistent or pervasive, which (A) causes physical or emotional harm to an individual, (B) places an individual in reasonable fear of physical or emotional harm, or (C) infringes on the rights or opportunities of an individual at school. “Bullying”

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

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

For purposes of this policy, **“Teen Dating Violence”** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

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

- (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports;
- (2) enable the parents or guardians of students to file written reports of suspected bullying;
- (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist

is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;

- (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced;
- (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;
- (6) include a prevention and intervention strategy for school employees to deal with bullying and teen dating violence;
- (7) provide for the inclusion of language in student codes of conduct concerning bullying;
- (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation;
- (9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying;
- (10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) above, to discuss specific interventions undertaken by the school to prevent further acts of bullying;
- (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public

inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;

- (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline;
- (13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying;
- (14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;
- (15) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;
- (16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
- (17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan; and
- (18) require that all school employees annually complete the training described in Conn. Gen. Stat. §10-220a.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivisions (9) and (10) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Any information

provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

By September 1, 2014, the Simsbury Board of Education shall submit its Safe School Climate Plan to the Department of Education for review and approval. Not later than thirty (30) calendar days after approval by the Department, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

#### Legal References:

Conn. Gen. Stat. 10-145a

Conn. Gen. Stat. 10-145o

Conn. Gen. Stat. 10-220a

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. 10-222g

Conn. Gen. Stat. 10-222h

Conn. Gen. Stat. §§ 10-233a through 10-233f

Public Act 14-172, "An Act Concerning Improving Employment Opportunities Through Education And Ensuring Safe School Climates"

Public Act 14-232, "An Act Concerning The Review And Approval Of Safe School Climate Plans By The Department Of Education And A Student Safety Hotline Feasibility Study"

Public Act 14-234, "An Act Concerning Domestic Violence and Sexual Assault"

Revised December 14, 2021

#### 5131.912 SAFE SCHOOL CLIMATE PLAN

The Board is committed to creating and maintaining a physically, emotionally, and intellectually safe educational environment free from bullying, teen dating violence, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board Policy. This Plan represents a comprehensive approach to addressing bullying, cyberbullying and teen dating violence and sets forth the Board's expectations for creating a positive school climate and thus preventing, intervening, and responding to incidents of bullying

and teen dating violence.

Bullying behavior and teen dating violence are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior and teen dating violence, however, involves a multi-faceted approach, which includes education and the promotion of a positive school climate in which bullying will not be tolerated by students or school staff.

I. Prohibition Against Bullying, Teen Dating Violence and Retaliation

- A. The Board expressly prohibits any form of bullying behavior and teen dating violence on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.
- B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
- C. The Board further prohibits any form of teen dating violence outside of the school setting if such violence substantially disrupts the educational process;
- D. In addition to prohibiting student acts that constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.
- E. Students who engage in bullying behavior or teen dating violence in violation of Board Policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

II. Definition of Bullying

- A. **“Bullying”** means an act that is direct or indirect and severe,

persistent or pervasive, which (A) causes physical or emotional harm to an individual, (B) places an individual in reasonable fear of physical or emotional harm, or (C) infringes on the rights or opportunities of an individual at school. "Bullying" shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics;

### III. Other Definitions

- A. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- B. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;
- C. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;
- D. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;
- E. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;
- F. **"Prevention and intervention strategy"** may include, but is not limited to, (1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach



for safe school climate or for the prevention of bullying identified by the Department of Education, (2) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts, (3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, (4) inclusion of grade-appropriate bullying education and prevention curricula in kindergarten through high school, (5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees, (6) school-wide training related to safe school climate, (7) student peer training, education and support, and (8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.

- G. **"School climate"** means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.
- H. **"School employee"** means (1) a teacher, substitute teacher, school administrator, school superintendent, School Counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.
- I. **"School-Sponsored Activity"** shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board of Education.
- J. **"Teen dating violence"** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

#### IV. Leadership and Administrative Responsibilities

##### A. Safe School Climate Coordinator

The Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The

Coordinator shall:

1. be responsible for implementing the district's Safe School Climate Plan ("Plan");
2. collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;
3. provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying;
4. meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying the school district and to make recommendations concerning amendments to the district's Plan.

B. Safe School Climate Specialist

The Principal of each school (or principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

V. Development and Review of Safe School Climate Plan

- A. The Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent/guardian of a student enrolled in the school, as appointed by the school principal.
- B. The Committee shall: 1) receive copies of completed reports following bullying investigations; 2) identify and address patterns of bullying among students in the school; 3) implement the provisions of the school security and safety plan, if applicable, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying; 4) review and amend school policies relating to bullying; 5) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school; 6) educate students,

school employees and parents/guardians on issues relating to bullying; 7) collaborate with the Coordinator in the collection of data regarding bullying; and 8) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.

- C. Any parent/guardian serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.
- D. The Board of Education shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

VI. Procedures for Reporting and Investigating Complaints of Bullying

- A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (i.e. building principal), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.
- B. Students may make anonymous reports of bullying to any school employee. Students may also request anonymity when making a report, even if the student's identity is known to the school employee. In cases where a student requests anonymity, the Safe School Climate Specialist or his/her designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may have on the investigation and on any possible remedial action. All anonymous reports shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the report, and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying. No

disciplinary action shall be taken solely on the basis of an anonymous report.

- C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist or another school administrator if the Safe School Climate Specialist is unavailable, not later than one (1) school day after such school employee witnesses or receives a report of bullying. The school employee shall then file a written report not later than two (2) school days after making such oral report.
- D. The Safe School Climate Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. The Safe School Climate Specialist shall also be responsible for promptly notifying the parents or guardians of the student alleged to have committed an act or acts of bullying, and the parents or guardians of the student against whom such alleged act or acts were directed, that an investigation has commenced. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.
- E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

## VII. Responding to Verified Acts of Bullying

- A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying. In providing such notification, however, care must be taken to respect the statutory privacy rights of other students, including the

perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.

- B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall invite the parents or guardians of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and policies and procedures in place to prevent further acts of bullying. The Safe School Climate Specialist or designee shall also invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the previously described meeting, to discuss specific interventions undertaken by the school to prevent further acts of bullying. The invitation may be made simultaneous with the notification described above in Section VII.A.
- C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.
- D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee, and may also incorporate a student safety support plan, as appropriate.
- E. Notice to Law Enforcement  
  
If the Principal of a school (or his/her designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or his/her designee, may consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.
- F. If a bullying complaint raises a concern about discrimination or

harassment on the basis of a legally protected classifications (such as race, religion, color, national origin, sex, sexual orientation, age, disability or gender identity or expression), the Safe School Climate Specialist or designee shall also coordinate any bullying investigation with other appropriate personnel within the district as appropriate (e.g. Title IX Coordinator, Section 504 Coordinator etc.), so as to ensure that any such bullying investigation complies with the requirements of such policies regarding nondiscrimination.

#### VIII. Teen Dating Violence

- A. The school strictly prohibits, and takes very seriously any instances of, teen dating violence, as defined above. The school recognizes that teen dating violence may take many different forms and may also be considered bullying and/or sexual harassment.
- B. Students and parents (or guardians of students) may bring verbal or written complaints regarding teen dating violence to any building administrator. The building administrator shall review and address the complaint, which may include referral of the complaint to the Safe School Climate Specialist and/or Title IX Coordinator.
- C. Prevention and intervention strategies concerning teen dating violence shall be implemented in accordance with Section X below. Discipline, up to and including expulsion, may be imposed against the perpetrator of teen dating violence, whether such conduct occurs on or off campus, in accordance with Board policy and consistent with federal and state law.

#### IX. Documentation and Maintenance of Log

- A. Each school shall maintain written reports of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without written prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.
- B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Consistent with district obligations under state and federal law regarding student privacy, the log shall not contain any personally identifiable student

information, or any information that alone or in combination would allow a reasonable person in the school community to identify the students involved. Accordingly, the log should be limited to basic information such as the number of verified acts, name of school and/or grade level and relevant date. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year shall be tallied as one verified act of bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited to any personally identifiable student information, which is confidential information by law.

C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

X. Other Prevention and Intervention Strategies

- A. Bullying behavior and teen dating violence can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying or to teen dating violence. While conduct that rises to the level of “bullying” or “teen dating violence,” as defined above, will generally warrant traditional disciplinary action against the perpetrator of such bullying or teen dating violence, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint of bullying. As discussed below, schools may also consider appropriate alternative to traditional disciplinary sanctions, including age-appropriate consequences and other restorative or remedial interventions.
- B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as counseling, discipline, and other appropriate remedial or restorative actions as determined by the

responsible administrator.

- C. The following sets forth possible interventions which may also be utilized to enforce the Board's prohibition against bullying and teen dating violence:

i. Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

If a complaint arises out of conflict between students or groups of students, peer or other forms of mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

When an act or acts of teen dating violence are identified, the students involved may be counseled as to the seriousness of the conduct, the prohibition of teen dating violence, and their duty to avoid any such conduct. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

ii. Disciplinary interventions

When acts of bullying are verified or teen dating violence occurs, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints of bullying, however, shall not be the basis for disciplinary action.



In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and teen dating violence, and/or when past interventions have not been successful in eliminating bullying behavior.

iii. Interventions for bullied students and victims of teen dating violence

The building principal (or other responsible program administrator) or his/her designee shall intervene in order to address incidents of bullying or teen dating violence against a single individual. Intervention strategies for a bullied student or victim of teen dating violence may include the following:

- a. Referral to a school counselor, psychologist or other appropriate social or mental health service;
- b. Increased supervision and monitoring of student to observe and intervene in bullying situations or instances of teen dating violence;
- c. Encouragement of student to seek help when victimized or witnessing victimization;
- d. Peer mediation or other forms of mediation, where appropriate;
- e. Student Safety Support plan;
- f. Restitution and/or restorative interventions; and

- g. Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the bullied student or victim of teen dating violence.

iv. General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. Additional district actions may also ameliorate potential problems with teen dating violence. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school. Such prevention and intervention strategies may include, but are not limited to:

- a. School rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;
- b. Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence are likely to occur;
- c. Inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;
- d. Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;
- e. School-wide training related to safe school climate, which training may include Title IX/Sexual harassment training, Section 504/ADA Training, cultural diversity/multicultural education or other training in

federal and state civil rights legislation or other topics relevant to safe school climate;

- f. Student peer training, education and support; and
- g. Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;
- h. Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence, including any such program identified by the Department of Education;
- i. Respectful responses to bullying and teen dating violence concerns raised by students, parents or staff;
- j. Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying and teen dating violence, with a focus in evidence based practices concerning same;
- k. Use of peers to help ameliorate the plight of victims and include them in group activities;
- l. Avoidance of sex-role stereotyping;
- m. Continuing awareness and involvement on the part of school employees and parents with regards to prevention and intervention strategies;
- n. Modeling by teachers of positive, respectful, and supportive behavior toward students;
- o. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- p. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere;

- q. Culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe mean-spirited student conduct, even if such conduct does not meet the formal definition of “bullying.”

E. Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

#### XI. Improving School Climate (REVISED FROM PRIOR VISION & CORE BELIEFS)

As stated in the District Vision for the Simsbury Public Schools:

The Simsbury Public Schools cultivate the mind, body, and character of each student. We engage students with a meaningful and rigorous academic foundation so that they can contribute to a global society with integrity, compassion, and resilience.

Strategies to improve school climate:

We believe in setting challenging expectations and supporting all students to achieve high standards of performance.

We believe in developing a passion for lifelong learning.

We believe in academic and extracurricular experiences that emphasize intellectual, physical, artistic and social/emotional well-being.

We believe in the value of collaboration and communication among faculty throughout the district.

We believe in the power of building relationships between staff, students and community.

We believe in the importance of effective communication between families and school personnel to nurture the educational experience of each child.

We believe that family and community partnerships enhance and enrich the learning experiences for all students and staff.

We believe that the school community must strive for continuous improvement and excellence.

Note: Specific school based plans are annually revised as part of the District Continuous Improvement cycle.

## XII. Annual Notice and Training

- A. Students, and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.
- B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.
- C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.
- D. After July 1, 2014, any person appointed by the district to serve as district safe school climate coordinator shall complete mental health and first aid training offered by the Commissioner of Mental Health and Addiction Services.

## XIII. School Climate Assessments

Biennially, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Connecticut State Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Connecticut State Department of Education.

### Legal References:

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8,  
Series 2008-2009 (March 16, 2009)

Public Act 14-172, "An Act Concerning Improving Employment Opportunities

Through Education And Ensuring Safe School Climates”

Public Act 14-232, “An Act Concerning The Review And Approval Of Safe School Climate Plans By The Department Of Education And A Student Safety Hotline Feasibility Study”

Public Act 14-234, “An Act Concerning Domestic Violence And Sexual Assault”

Revised December 14, 2021

**REPORT OF SUSPECTED BULLYING BEHAVIORS OR TEEN DATING VIOLENCE**  
**(School Employees Should File with the School Principal)**  
**(Parents and Students May File with the School Principal or Any Other School Employee)**

Name of Person Completing Report: \_\_\_\_\_

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

Target(s) of Behaviors/Violence:

Relationship of Reporter to Target (self, parent, teacher, peer, etc.):

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Report Filed

Against: \_\_\_\_\_

Date of Incident(s): \_\_\_\_\_

Location(s): \_\_\_\_\_ Time: \_\_\_\_\_

Describe the basis for your report. Include information about the incident, participants, background to the incident, and any attempts you have made to resolve the problem. Please note relevant dates, times and places.

[illegible]

Indicate if there are witnesses who can provide more information regarding your report. If the witnesses are not school district staff or students, please provide contact information.

Name	Address	Telephone Number

Have there been previous incidents (circle one)?                      Yes                      No

If “yes”, please describe the behavior of concern, or the violence that occurred; include the approximate date(s) and the location(s):


Were these incidents reported to school employees (circle one)                      Yes                      No

If “Yes”, to whom was it reported and when?

--

Was the report verbal or written?

--

Proposed Solution:

Indicate your opinion on how this problem might be resolved in the school setting. Be as specific as possible.


I certify that the above information and events are accurately depicted to the best of my knowledge.

Signature of Reporter	Date Submitted	Received By	Date Received
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**For Staff Use Only:**

Administrative Investigation Notes (use separate sheet if necessary):

[illegible]

Bullying Verified? Yes \_\_\_\_ No \_\_\_\_

Remedial Action(s)

Taken:

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(Attach bullying complaint and witness statements. If bullying is verified, attach notification to parents of students involved, invitation to parent meetings, and records of parent meetings).

**SIMSBURY PUBLIC SCHOOLS  
REPORT OF BULLYING FORM/INVESTIGATION SUMMARY**

**For Staff Use Only:** \_\_\_\_\_

School \_\_\_\_\_ Date \_\_\_\_\_

Location(s) \_\_\_\_\_

**Reporter Information:**

Anonymous student report \_\_\_\_\_

Staff Member report \_\_\_\_\_ Name \_\_\_\_\_

Parent/Guardian report \_\_\_\_\_ Name \_\_\_\_\_

Student report \_\_\_\_\_ Name \_\_\_\_\_

**Student Reported as Committing Act:** \_\_\_\_\_

**Student Reported as Victim:** \_\_\_\_\_

**Description of Alleged Act(s):** \_\_\_\_\_

\_\_\_\_\_

**Time and Place:** \_\_\_\_\_

**Names of Potential Witnesses:** \_\_\_\_\_

\_\_\_\_\_

**Action of Reporter:** \_\_\_\_\_

**Administrative Investigation Notes (use separate sheet if necessary):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Bullying Verified? Yes** \_\_\_\_ **No** \_\_\_\_

**Remedial Action(s) Taken:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If Bullying Verified, Has Notification Been Made to Parents of Students Involved?**

Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____

**If Bullying Verified, Have Invitation to Meetings Been Sent to Parents of Students Involved?**

Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____
Parents' Names: _____	Date Sent: _____

**Date of Meetings:**

\_\_\_\_\_  
\_\_\_\_\_

**If Bullying Verified, Has School Developed Student Safety Support/Intervention Plan?**

Y      N

**(Attach bullying complaint and witness statements. If bullying is verified, attach notification to parents of students involved, invitations to parent meetings, and records of parent meetings).**



**Simsbury Public Schools**  
**Report of Teen Dating Violence/Consent to Release Student Information**

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

**Name of Student:** \_\_\_\_\_

**School:** \_\_\_\_\_

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To Parent/Guardian:

A report of teen dating violence has been made on behalf of your child alleging that he/she has been the victim of teen dating violence. In order to facilitate a prompt and thorough review of the report, the Simsbury Public Schools may wish to disclose the fact that this complaint has been filed in connection with its review.

***(Please check one):***

\_\_\_\_\_ I hereby give permission for the Simsbury Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its review of that complaint.

\_\_\_\_\_ I do **NOT** give permission for the Simsbury Public Schools to disclose the fact that a complaint concerning my child has been filed as part of its review of that complaint.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Please print)

## 5132 STUDENT CONDUCT

### 5132.1 Conduct at School and Activities

#### Areas of Responsibility for Student Conduct and School Discipline

Although the ultimate goal of all student discipline is cultivation, or development of appropriate self discipline in each student, direct staff responsibilities in pursuit of that goal include:

1. Certified staff. Teachers, administrators, and other certified staff are responsible for the proper conduct and control of students while they are under the supervision and jurisdiction of the particular school and the school district.
2. Principal. Principals may implement necessary procedures and school rules and regulations on student behavior consistent with Board of Education policies. Principals may involve representatives from school personnel, students, parents, and citizens of the community in developing standards, specific rules and regulations, and procedures for student conduct at school and in out of school activities.
3. Teachers. Teachers are responsible for proper and adequate control of students and for student instruction on rules and regulations of proper conduct. Teacher responsibility and authority extends to all students of the school district under the assigned supervision of the teacher and to other students with whom the teacher comes into contact throughout his or her work day.
4. Support Staff. Instructional and other aides, custodians, secretaries and clerks, cafeteria employees, bus drivers, and other non-certified staff are responsible for appropriate reporting of inappropriate student behavior and actions to teachers and administrators and for intervention and necessary action in the absence of certified staff to preserve personal safety of other students, staff, and to safeguard school district property.
5. Parents. Parents are expected to cooperate with and to support school authorities on the behavior and discipline of their children. Parents shall be held responsible for willful misbehavior of their children and for any destructive acts on school property.

#### Student Behavior:

Students shall be properly instructed in rules and regulations of acceptable conduct and are responsible for understanding and complying with school and school district standards of behavior. Any student who fails to comply with these rules and regulations concerning student behavior is liable to suspension, exclusion, or expulsion.

#### Publication to Parents/Guardians of Behavior Code:

The Superintendent of Schools shall, at the beginning of each school year, notify parents/guardians of district policies, and regulations on student discipline and shall insure that Principals in each school communicate these policies and regulations to students at the beginning of each school year —

and to transfer students at the time of their enrollment in the school.

Adopted January 10, 2006

## 5133 STUDENT DISCIPLINE

### I. Definitions

- A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel

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

- H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- J. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- K. **School Days** shall mean days when school is in session for students.
- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.



- N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- O. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

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

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:***

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 illegal use of drugs.**

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

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

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment, including but not limited to hate speech, based on an individual's sex, sexual orientation, race, color, religion, disability, national origin ancestry, gender identity or expression or any other characteristic protected by law.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).

10. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
11. Possession of any ammunition for any weapon described above in paragraph 10.
12. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
13. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

Unlawful possession, sale, distribution, use, or consumption, of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 13, the term "electronic nicotine delivery system" shall mean 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. For the purposes of Paragraph 13, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product. 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.

Sale, distribution, or consumption of substances contained in

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

14. Unlawful 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. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
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.
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, except as specifically authorized by school staff.
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; or any other form of academic dishonesty, cheating or plagiarism.
24. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
25. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
26. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
27. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
28. Any action or activity that endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization or activity, including membership of any athletic team.
29. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
  - a. causes physical or emotional harm to such student or damage to such student's property;
  - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c. creates a hostile environment at school for such student;
  - d. infringes on the rights of such student at school; or
  - e. substantially disrupts the education process or the orderly operation of a school.

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

30. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
31. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
32. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
33. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
34. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
35. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
36. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.
37. Any action prohibited by any Federal or State law.
38. 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.

Revised June 11, 2019

#### IV. Procedures Governing Removal From Class

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 (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

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

#### V. 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 for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. 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. If suspended, such suspension shall be an in-school suspension unless, during the informal hearing, the principal or designee determines that the student: (a) poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (b) the administration determines that an out-of-school suspension

is appropriate based on evidence of (i) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (ii) previous efforts by the administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Notice of the original suspension shall be transmitted by the principal or designee to the superintendent of schools or designee by the close of the school day following the commencement of the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an administration-specified program and meets any other conditions required by the administration. Such



administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section V.A(9), above, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.
  11. If the student has not previously been suspended or expelled, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
  12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
  13. During the period of suspension, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- B. In cases where the suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee who will request a formal Board hearing. If an emergency exists, such hearing shall be held as soon after the suspension as possible.

VI. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. 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.
- D. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VII. Procedures Governing Expulsion Recommendation

- A. A principal may consider recommendation of expulsion of a student 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.
- B. Students in grades preschool through two are exempt from expulsion unless he/she (1) possess firearms or certain other weapons or (b) sell or distribute controlled substances.
- C. Students in preschool may be subject to expulsion if he/she possesses a firearm on or off school grounds or at a preschool program-sponsored event.
- D. 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 U.S.C. § 921 as amended from time to time; or
2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes;  
or
  3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
  4. The following definitions shall be used in this section:
    - a. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
    - b. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A deadly weapon includes a weapon from which a shot may be discharged when such weapon is designed for violence and is capable of inflicting death or serious bodily injury and may include pellet guns and/or air soft pistols.
    - c. "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury.
    - d. A "firearm" as defined in 18 U.S.C § 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 firearm 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 any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- e. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- f. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon as defined above or any other dangerous or deadly weapon or instrument, unless permitted by law under section 29-38 of the Connecticut General Statutes.

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

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

## VIII. Procedures Governing Expulsion Hearing

### A. Emergency Exception:

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

### B. Hearing Panel:

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three 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. Hearing 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) within a reasonable time prior to the time of the hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. The date, time, place and nature of the hearing.
  - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

- c. A short, plain description of the conduct alleged by the administration.
- d. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, and that the expulsion hearing will be the student's sole opportunity to present such evidence.
- e. The student may cross-examine witnesses called by the Administration.
- f. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
- h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- i. Information about free or reduced-rate legal services and how to access such services.

D. Hearing Procedures:

- 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
- 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
- 3. 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, by the Presiding Officer 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 Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the administration and then by the student and/or his or her representative.
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 Superintendent.
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.
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 not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative file, except as so provided in Section V.A (9) (10) (11), above, and Section XI, below. The Board may ask the Superintendent 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 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. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
14. The Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
15. 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.

E. Expulsion Notice:

The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

F. Presence on School Grounds and Participation in School-



sponsored Activities During Expulsion:

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

IX. Board Policy Regarding Mandatory Expulsions

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 for one full calendar year for: the conduct described in Section VII(B)(1), (2) and (3) of this policy. The Board may modify the term of expulsion on a case-by-case basis.

X. Alternative Educational Programs for Expelled Students

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

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

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

The Board of Education will provide an alternative education to a sixteen (16) to eighteen (18) year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen (16) and eighteen (18) 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 (18) years of age or older.

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

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

XI. Notice of Student Expulsion on Cumulative Record

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

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

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

XII. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The

Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

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

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

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

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

A. *Suspension of IDEA students:*

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

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

the parents on the date that the decision to suspend was made.

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

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

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

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) 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 recommend for expulsion (or to suspend if a change in placement) 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 that 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 or the suspension that constitutes a change in placement. 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.
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) school 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.
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

As used in this subsection XIII.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. The term "controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c). The term "illegal drug" means a controlled substance but does not

include a substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

“Serious bodily injury” means a bodily injury which involves: (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIV Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the administration shall not proceed with the recommended expulsion. 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 recommended expulsion.

XV. Procedures Governing Expulsions for Students Seeking to Return to the School District After Juvenile Detention

If a student seeks to return to the school district after committing an expellable offense for which he/she served a period of one year or more in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, the district shall allow the student to return and may not expel the student for additional time for such offense.

XVI. Early Readmission to School

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

XVII. 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.

XVIII. Compliance with Reporting Requirements

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

Revised April 26, 2016

5134 POLICY REGARDING STUDENT USE OF THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY

Computers, computer networks, Internet access, and e-mail are effective and important technological resources in today's educational environment. The Board of Education has installed computers, a computer network, including Internet access and an e-mail system (referred to collectively as "the computer systems"), in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to students in the district for education related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used by students solely for education related purposes. Additionally, the Board will implement a technology protection measure to block or filter Internet access to visual depictions that contain obscene material, contain child pornography, or are harmful to minors.

As the owner of the computer systems, the Board reserves the right to monitor the use of the district's computers and computer systems.



## ADMINISTRATIVE REGULATIONS REGARDING STUDENT USE OF THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY

### Introduction

We are pleased to offer students access to the district's computers and computer networks, including access to electronic mail (e-mail) and the Internet (which will be referred to collectively as "computer systems".) Access to the school's computer systems will enable students to explore libraries, databases, and bulletin boards while exchanging messages with others. Such access is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who act in a considerate and responsible manner in using such systems.

The Board of Education and the Administration believe in the educational value of such computer systems and recognize their potential to support our curriculum by expanding resources available for staff and student use. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation and communication.

These computer systems are expensive to purchase, install and maintain. As the property of the district these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, *access to the computer systems is a privilege, and not a right*. Students will be required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

### Definitions

**Obscene** – means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited sex act and c) taken as a whole, does not have serious literary, artistic, political or scientific value. For the purposes of this section, "prohibited sex act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.

**Child pornography** – means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where –

- (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (b) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

***Harmful to minors*** – any picture, image, graphic image file, or other visual depiction that:

- (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
- (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### Monitoring

Students are responsible for good behavior on school computer systems just as they are in a classroom or a school hallway. Communications on the computer systems are often public in nature and general school rules for behavior and communications apply. It is expected that users will comply with district standards and will act in a responsible and legal manner, at all times in accordance with district standards, as well as with state and federal laws.

It is important that students and parents understand that the district, *as the owner of the computer systems, reserves the right to monitor and review* the use of these computer systems. The district intends to monitor and review in a limited fashion, but will do so as needed to ensure that the systems are being used for district-related educational purposes.

As part of the monitoring and reviewing process, the district will retain the capacity to bypass any individual password of a student or other user. *The system's security aspects, such as personal passwords and the message delete function for e-mail, can be bypassed for these purposes.* The district's ability to monitor and review is not restricted or neutralized by these devices. The monitoring and reviewing process also includes oversight of Internet site access and of document downloading and printing.

Therefore, all users must be aware that *they should not have any expectation of personal privacy in the use of these computer systems.*

### Student Conduct

Students are permitted to use the district's computer systems for legitimate educational purposes. Personal use of district computer systems is expressly prohibited. Conduct which constitutes inappropriate use includes, but is not limited to the following:

- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to computer systems;
- Damaging computers, computer files, computer systems or computer

- networks;
- Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from a teacher or administrator;
  - Using another person's password under any circumstances;
  - Trespassing in or tampering with any other person's folders, work or files;
  - Sending any message that breaches the district's confidentiality requirements, or the confidentiality of students;
  - Using computer systems for any personal purpose, or in a manner that interferes with the district's educational programs;
  - Accessing or attempting to access any material that is obscene, contains child pornography, or is harmful to minors, as defined above;
  - Transmitting or receiving e-mail communications or accessing information on the Internet for non-educational purposes.

In addition, as noted above, if a particular behavior or activity is generally prohibited by law, by Board policy or by school rules or regulations, use of these computer systems for the purpose of carrying out such behavior or activity is also prohibited.

*Misuse of the computer systems, or violations of these policies and regulations, may result in loss of access to such computer systems as well as other disciplinary action, including suspension and/or expulsion, depending on the specific conduct.*

Anyone who is aware of problems with, or misuse of these computer systems, or has a question regarding the proper use of these computer systems, should report this to his or her teacher or principal immediately. Most importantly, the Board and the Administration urge *any* student who receives *any* harassing, threatening, intimidating or other improper message through the district's computer system to report this immediately. It is the Board's policy that no student should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

#### Internet Safety

The Administration will take measures: to assure the safety and security of students when using e-mail, chat rooms, and other forms of direct electronic communications; to prohibit unauthorized access, including "hacking" and other unlawful activities by minors online; to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and to restrict students' access to online materials harmful to minors, including obscene materials and child pornography.

Adopted January 10, 2006

#### 5135 STUDENT DRESS

In order to maintain an environment conducive to the educational process, the Board of Education prohibits the following from wear during the academic school day: Attire that is disruptive to the educational environment, overly offensive, unsafe, or that encourages the use of drugs, alcohol or tobacco products.

Students who fail to comply with Board policy and regulations concerning student dress will be subject to school discipline up to and including expulsion in accordance with the Board's policy on student discipline.

The administration shall include in student handbooks specific information regarding types of student dress that are in violation of Board policy.

Adopted January 10, 2006

#### 5136 USE OF FACE COVERINGS IN SCHOOL

The Simsbury Board of Education (the "Board") recognizes the importance of protecting the health and safety of students, staff, and the community during the COVID-19 pandemic. As such, and in accordance with requirements and guidelines issued by the Connecticut State Department of Education ("SDE"), the Board requires that all individuals entering a school building, a Simsbury Public Schools ("district") facility, or a district transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual's nose and mouth. An appropriate face covering shall not include bandanas or exhalation valve masks. Any individual who presents for entrance into a school building, district facility or district transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the district.

Compliance with this policy shall be mandatory for all individuals while in a school building, district facility and/or district transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, district facility or district transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, district facility or district transportation vehicle, unless an applicable exception applies or

the administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities. The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, district facilities and district transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together,  
Connecticut State Department of Education, as amended by Addendums 1-11  
(June 29, 2020 through August 31, 2020).

Adopted October 13, 2020

## ADMINISTRATIVE REGULATIONS USE OF FACE COVERINGS IN SCHOOL

In accordance with requirements and guidelines issued by the Connecticut State Department of Education ("SDE"), the Simsbury Public Schools ("district") requires that all individuals entering a school building, a district facility, or a district transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual's nose and mouth. An appropriate face covering shall not include bandanas or exhalation valve masks. Any individual who presents for entrance into a school building, district facility or district transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the district.

Compliance with these protocols shall be mandatory for all individuals while in a school building, district facility and/or district transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, district facility or district transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with these protocols may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.

- ☐ Students and all individuals being transported on district transportation vehicles are required to wear appropriate face coverings (face coverings must be worn prior to boarding and while exiting the vehicle), in accordance with the district's transportation protocols. Please see below for additional procedures for face covering exemption requirements.
- ☐ Students, staff and all individuals inside school buildings and district facilities are required to wear appropriate face coverings except if: (i) the individual cannot wear the face covering because the individual has difficulty breathing, is unconscious, or incapacitated; (ii) the individual cannot remove the face covering without assistance; (iii) the individual has a documented medical reason making it unsafe to wear a mask; or (iv) the individual has a disability that causes the individual to be unable to wear a face covering.

*Important Note: The need for a medical exemption for the wearing of face coverings of the styles recommended for use in schools for source control is rare. Medical contraindications to the wearing of cloth or other similar loose fitting masks generally are limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a*

*skin graft. These severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction (in most cases these individuals would not be able to move about freely without significant assistance). In addition, for anyone suffering from any of these underlying conditions, the strong recommendation would be for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19. Mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions generally are not considered contraindications to the wearing of loose-fitting face coverings.*

- ☐ Face coverings may only be removed within the school building for the following reasons: (i) eating/drinking; (ii) on school grounds with appropriate social distancing implemented; and (iii) educational or medical activities requiring removal of masks (speech and language, evaluations, etc.) ONLY under circumstances when the school has implemented appropriate and district-approved mitigating measures (such as gowns, face shields, additional social distancing, physical barriers for district employees and/or students).
- ☐ If a student claims a medical or disability-related exemption from wearing a face covering, the parent or guardian and the student's treating physician must complete the Face Covering Exemption Request Form. If the district determines the request is based on disability (skill deficit), the district shall promptly convene a Planning and Placement Team ("PPT") meeting or Section 504 Team meeting as appropriate to discuss and consider necessary programming revisions, accommodations, modifications, etc.
- ☐ If a staff member claims a medical or disability-related exemption from wearing a face covering, the district shall comply with all applicable laws, rules, regulations, and requirements regarding the evaluation of, and response to, any such claim.
- ☐ Students shall be offered face covering breaks during the school day as determined appropriate by the administration. A face covering break consists of the student removing the face covering from the student's own nose and mouth for a short period of time. School district personnel supervising students shall only permit a face covering break when individuals who are indoors are a minimum of 6 feet apart or other district-approved mitigating measures (such as physical barriers). When practicable, school district personnel supervising students shall schedule mask breaks outdoors.



# SIMSBBURY PUBLIC SCHOOLS

## FACE COVERING MEDICAL/HEALTH EXEMPTION FORM

COVID-19 is a highly contagious virus that spreads by respiratory droplets released when individuals talk, cough or sneeze. Many individuals infected with COVID-19 are asymptomatic and contagious. Federal and state public health agencies, including the United States Centers for Disease Control and Prevention (CDC), recommend that individuals wear a face covering to limit the spread of COVID-19.

The Connecticut State Department of Education and Simsbury Public Schools require ALL students, beginning in Pre-K, to wear face coverings during the school day. Any student seeking a medical exemption to the face covering requirement must have the student's treating physician complete the below Medical/Health Exemption Form. As noted below, Simsbury Public Schools will consult with the student's treating physician to determine what reasonable accommodations, if any, would allow the student to wear a face covering during the school day. In light of the significant public health and safety requirements, the Simsbury Public Schools require that any request for medical exemption be completed and submitted to Sue Beardsley, Director of Health Services at [sbeardsley@simsburyschools.net](mailto:sbeardsley@simsburyschools.net).

Students submitting requests for medical exemption are subject to COVID-19 containment strategies pending the completion of the exemption review process. COVID-19 containment strategies may include assignment to home-based remote learning to mitigate the possibility of infection to the student or others in the physical school building.

Name of Child:\_\_\_\_\_ Date of Birth:\_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s):\_\_\_\_\_

Address of

Parent(s):\_\_\_\_\_

(if different from child)



Contact Information for Treating Physician

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

THE SIMSBURY PUBLIC SCHOOLS RESERVES THE RIGHT TO DENY MASK EXEMPTION REQUESTS WITHOUT SUFFICIENT INFORMATION TO DETERMINE THE HEALTH-RELATED NECESSITY OF SUCH REQUEST.

I HEREBY CONSENT TO SCHOOL OFFICIALS OF THE SIMSBURY PUBLIC SCHOOLS CONSULTING WITH THE ABOVE-NAMED TREATING PHYSICIAN IN CONNECTION WITH THE REQUEST FOR A MEDICAL EXEMPTION FROM WEARING A FACE COVERING DURING THE COVID-19 PANDEMIC. I UNDERSTAND THAT MY CHILD'S TREATING PHYSICIAN IS AUTHORIZED TO EXCHANGE HEALTH/MEDICAL AND EDUCATIONAL INFORMATION RELATED TO THE FACE COVERING MEDICAL EXEMPTION REQUEST SUBMITTED ON BEHALF OF MY CHILD, \_\_\_\_\_ [NAME OF STUDENT], WITH THE SIMSBURY PUBLIC SCHOOLS. I UNDERSTAND THAT THE PURPOSE OF THE EXCHANGE OF SUCH INFORMATION IS TO DETERMINE WHETHER A MEDICAL EXEMPTION IS NECESSARY AND/OR WHETHER THERE ARE ANY REASONABLE ACCOMMODATIONS THAT SHOULD BE CONSIDERED IN CONNECTION WITH THE FACE COVERING EXEMPTION REQUEST. I UNDERSTAND THAT THIS AUTHORIZATION WILL EXPIRE ON JUNE 30, 2022, UNLESS I REVOKE THIS AUTHORIZATION AT AN EARLIER TIME BY SUBMITTING WRITTEN NOTICE OF THE WITHDRAWAL OF CONSENT. I ACKNOWLEDGE THAT HEALTH/MEDICAL RECORDS, ONCE SHARED WITH THE SIMSBURY PUBLIC SCHOOLS, WILL BE EDUCATION RECORDS UNDER FEDERAL EDUCATION RECORD LAWS (FERPA) AND MAY NOT BE PROTECTED BY THE HIPAA PRIVACY RULE. I ALSO UNDERSTAND THAT REFUSAL TO CONSENT TO THE EXCHANGE OF INFORMATION DESCRIBED ABOVE WILL NOT AFFECT ACCESS TO HEALTHCARE.

\_\_\_\_\_  
PRINT NAME  
PARENT/GUARDIAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE  
PARENT/GUARDIAN

The section below must be completed by the student's treating physician to verify a health or medical reason that prohibits the student from wearing a face covering in the school building and/or on school grounds or to identify possible accommodations for the student to wear a face covering within the school building or on school grounds. Upon completion, this form must be provided by the treating physician directly to the Simsbury Public Schools, care of Sue Beardsley, Director of Health, Simsbury High School, 34 Farms Village Road, Simsbury, CT, 06070.

The treating physician MUST consult with school health supervisory personnel prior to completing this form. The contact information for the school health supervisory personnel for this matter is Sue Beardsley (860) 658-0451 x712.

Medical Verification

**Yes    No**

☐    ☐    I have consulted with school health supervisory personnel regarding the student's ability to wear a face covering due to a verified medical or health reason.

☐    ☐    After consultation with school health supervisory personnel, I have determined that reasonable accommodations would permit the student to wear a face covering for parts or all of the school day.

If yes, to the above question:

I have determined that the following reasonable accommodations would permit the student to wear a face covering during the school day (examples include, without limitation, face covering breaks at specified intervals, use of face shield when a face covering is contraindicated, use of bandana or looser fitting face covering):

☐    ☐    After consultation with school health supervisory personnel, I have determined that the student cannot wear a face covering during the entire school day due to a verified medical or health reason.

The student has been diagnosed with the following medical condition(s) that prevent the student from wearing a face covering at all times during the school day:

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\* Documentation supporting the above diagnosis MUST be submitted to the Simsbury Public Schools along with this Medical Verification Form.

By signing below, I verify that the above information is accurate to the best of my professional knowledge.

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Signature of Treating Physician

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Date

---

Print Name of Treating Physician

---

CT License No.

## 5145 CIVIL AND LEGAL RIGHTS AND RESPONSIBILITIES

### 5145.11 STUDENT PRIVACY

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

#### I. Definitions

A. *“Invasive physical examination”* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

B. *“Parent”* includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

C. *“Personally identifiable information”* includes, but is not limited to, the name and address of the student, student’s parent, or other family member, the student’s personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student’s identity easily traceable.

D. *“Personal information”* means individually identifiable information including –

1. a student’s or parent’s first and last name;
2. a home or other physical address (including a street name and the name of a city or town);
3. a telephone number; or
4. a Social Security identification number.

E. *“Survey”* includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

#### II. Student Surveys

A. *Surveys Funded in Whole or in Part by the U.S. Department of Education:*

1. The administration shall make available for inspection by parents all instructional materials, including teacher’s manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department

of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
  - a. political affiliations or beliefs of the student or the student's parent;
  - b. mental or psychological problems of the student or the student's parent;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - g. religious practices, affiliations, or beliefs of the student or of the student's parent; or
  - h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

*B. Surveys Funded by Sources Other than the U.S. Department of Education:*

1. Third Party Surveys
  - a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
  - b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
  - c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
2. Confidential Topic Surveys

- a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items (“Confidential Topic Surveys”):
  - i. political affiliations or beliefs of the student or the student’s parent,
  - ii. mental or psychological problems of the student or the student’s parent,
  - iii. sex behavior or attitudes,
  - iv. illegal, anti-social, self-incriminating, or demeaning behavior,
  - v. critical appraisals of other individuals with whom respondents have close family relationships,
  - vi. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
  - vii. religious practices, affiliations, or beliefs of the student or of the student’s parent,
  - viii. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- b. The administration shall give direct notice to parents of affected students of the district’s intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.
- c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
- d. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district’s Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
- e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey

described in this subparagraph.

### III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information or students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services, for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment\*;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional materials used by elementary

- schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. the sale by students of products or services to raise funds for school-related or education-related activities;
6. student recognition programs.

\*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records policy.

#### IV. Non-Emergency Invasive Physical Examinations and Screenings:

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screening meet the following conditions:

1. they are required as a condition of attendance;
2. they are administered by the school and scheduled by the school in advance;
3. they are not necessary to protect the immediate health and safety of the students; and
4. they are not required by state law.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s)/screening(s).

C. Upon written request, the administration shall permit parents of the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

#### V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

Adopted January 10, 2006

5145.12 Policy Regarding Search And Seizure

1. Search of a Student and His/Her Effects
  - A. Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her effects may be searched if 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." The way the search is conducted should be "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."
2. Search of a Locker, Desk and Other Storage Area
  - A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or other such evidence if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.
  - B. If the school administration reasonably suspects that a pupil is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.
  - C. When required by law and otherwise at the option of the building



principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

3. The decision to search shall be made by the principal or the principal's designee. The search shall be made in the presence of at least one witness. Discovery of illegal or dangerous materials shall be reported to the Office of the Superintendent.

## ADMINISTRATIVE REGULATION REGARDING SEARCH & SEIZURE

### 1. Search of a Student and His/Her Effects

- A. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or assistant principal, in the presence of a witness.
- B. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or the rules of the school. A student's other effects are also subject to the same rule. Effects may include motor vehicles located on school property.
- C. A search of a student's person may be conducted only if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonable related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Both metal detectors and breathalyzers may be used to conduct searches.
- D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct which places students, staff or school property in immediate danger. Such searches may be conducted at the request of the school principal, generally by a member of the police department. During such searches, a member of the school staff shall be present at all times as a witness, and both the police officer conducting the search and the witness shall be of the same sex as the student searched.
- E. Any evidence of illegal conduct or conduct violative of the rules of the school produced as a result of searches according to these regulations shall be subject to seizure. Where required by law and otherwise at the option of the building principal, such as evidence shall be submitted to the police department for proper disposition. Evidence not submitted to the police department shall be disposed of as directed by the building principal.

### 2. Search of a Locker, Desk and Other Storage Area

- A. The Board of Education provides lockers, desks, gym baskets and other storage areas in which pupils may keep and store personal belongings and materials provided by the Board of Education. Such storage areas are the property of the Board of Education.
- B. No pupil shall keep or store personal belongings or materials

provided by the Board of Education in any storage area other than one provided by the Board of Education and designated for his/her use by the school administration.

- C. Each pupil shall be responsible for maintaining any storage area assigned to him/her for his/her use in an orderly and sanitary condition.
- D. No pupil shall keep or store in a storage area assigned to him/her for his/her use any item the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of self or others (such as matches, chemicals, ammunition, weapons, drugs, tobacco, alcoholic beverages, etc.).
- E. The use of lockers and other storage areas by pupils is a privilege. At all times such storage areas remain the property of the Board of Education. If the school administration reasonably suspects that a pupil is not maintaining a storage area assigned to him/her in a sanitary condition, or that the locker contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found. The school administration may authorize law enforcement officials to search lockers/storage areas in accordance with Board Policy 5145.12, Section 2(A).
- F. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

Adopted January 10, 2006

5145.121 Arrest by Police

Pupils shall be released to law enforcement officials only if the arresting officer exercises the power of arrest.

Adopted January 10, 2006

5145.122 Questioning by Police

Police officers shall be allowed to question pupils only when it is deemed advisable by school authorities. School pupils shall be questioned in such a manner as to avoid undue publicity. Parents shall be notified, if possible.

A. A pupil shall be questioned with others present, such as a principal, teacher, his/her parents.

Adopted January 10, 2006

5145.14 On-Campus Recruiting

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

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

5145.51 TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 -  
PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT

It is the policy of the Simsbury Board of Education (the "Board") for the Simsbury Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX") and Connecticut law not to discriminate in such a

manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Connecticut law or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this policy and in accordance with Title IX and Connecticut law (the "Administrative Regulations").

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

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board

further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Simsbury Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this policy and the Administrative Regulations to staff, students and parents and legal guardians and make the policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is the Assistant Superintendent for Administration. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Neil Sullivan  
Assistant Superintendent for Administration  
Simsbury Public Schools  
933 Hopmeadow Street  
Simsbury, CT 06070  
[nsullivan@simsburyschools.net](mailto:nsullivan@simsburyschools.net)  
860-651-3361

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.  
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

Revised March 23, 2021

ADMINISTRATIVE REGULATIONS REGARDING  
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - PROHIBITION OF SEX  
DISCRIMINATION AND SEXUAL HARASSMENT

It is the policy of the Simsbury Board of Education (the "Board") for the Simsbury Public School district that any form of sex discrimination or sexual harassment is prohibited, whether by students, district employees or third parties subject to substantial control by the Board. Students, district employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, district employees, and third parties. Any student or employee who engages in conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment shall be subject to remedial measures, which may include exclusion from school property.

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

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's policy regarding Title IX of the Education Amendments of 1972 Prohibition of Sex Discrimination and Sexual Harassment:



1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment.

#### NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is the Assistant Superintendent for Administration. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Neil Sullivan  
Assistant Superintendent for Administration  
Simsbury Public Schools  
933 Hopmeadow Street  
Simsbury, CT 06070  
[nsullivan@simsburyschools.net](mailto:nsullivan@simsburyschools.net)  
860-651-3361

The Title IX Coordinator manages the district's compliance with Title IX and Connecticut law regarding sexual harassment and sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, district employee, or other participant in the district's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any district program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

## EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the grievance process set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the grievance procedures set forth in Section II of these regulations.

The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

## SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

### A. Definitions

- D.** Bias occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
  - A conflict of interest occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
  - For purposes of investigations and complaints of sexual harassment, education program or activity includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

- Employee means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of 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.
- Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Respondent means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

#### B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the district receives notice of sexual harassment or alleged sexual harassment against a student in the district’s education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant’s wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.

2. The district will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this regulation shall limit or preclude the district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the district shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

#### C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the district's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The district will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant and respondent separately to discuss the availability of such measures and consider the complainant's wishes with respect to them. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the district will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:

- i. The identities of the parties involved in the incident, if known;
- ii. The conduct allegedly constituting sexual harassment as defined above;
- iii. The date and the location of the alleged incident, if known;
- iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the district's Student Discipline Policy or any other policy that prohibits knowingly making false statements of knowingly submitting false information during the grievance process.

vii.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the written notice, the district must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The district may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The district will provide to a party whose participation is

invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a district employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a district employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural

steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the district's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district will impose on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and (6) the district's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment, the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the district's programs, activities and/or property. In appropriate circumstances, the district may make a criminal referral. Remedies will be designed to restore or preserve equal access to the district's education programs or activities.

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the district dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section V of this regulation.

#### D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the district may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences

from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The district must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the district's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

#### E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the district dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The district will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s)



for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

#### F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the district's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The district may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the district; or 3) specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the district will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the district's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Connecticut law.

A dismissal pursuant to this section does not preclude action by the district under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

#### G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the district (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment and these Administrative Regulations is strictly prohibited. The district will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The district will maintain for a period of seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and

- iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the district has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the district will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

### A. Definitions

- Complainant means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

### B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the district receives notice of sex discrimination or alleged sex discrimination against a student in the district's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The district will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

### C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;
  - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

6. Any student who makes a complaint shall be notified of the district's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the district not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
  - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
  - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
  - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
  - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination, adhering to the requirements of state and federal law; and
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her

designee, and take steps to remedy the effects of the sex discrimination.

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

#### D. Miscellaneous

1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the district (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The district will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

### **Section III. Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Copies of these Administrative Regulations will be distributed to all students.

## Appendix A

**Sexual Assault:** An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

**Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth



victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

**Affirmative Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
  - (i) because the respondent was intoxicated or reckless or failed to take
  - (ii) reasonable steps to ascertain whether the complainant affirmatively consented, or
  - (iii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

## COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX

*This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sexual harassment

\_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy

requested \_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL  
HARASSMENT UNDER TITLE IX)

*This complaint form should be used for complaints of sex discrimination as defined on  
page 1 of the Board's Administrative Regulations Regarding Title IX of the Education  
Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sex discrimination \_\_\_\_\_

Name or names of the sex discriminator(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sex discrimination \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature: \_\_\_\_\_

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX  
AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator. The formal complaint shall also be considered a written report of suspected bullying under the Board's Bullying Prevention and Intervention Policy and Connecticut General Statutes § 10-222d. As such, a bullying investigation pursuant to the foregoing policy and statute will be conducted as part of the Title IX grievance process. This notice shall serve as notification that an investigation of alleged Title IX sexual harassment and bullying has commenced. Please be advised that students are entitled to different and additional procedural rights under the Title IX grievance process than under the Board's Bullying Prevention and Intervention Policy.

Identities of the parties involved, if known:

\_\_\_\_\_ (Complainant(s))  
\_\_\_\_\_ (Respondent(s))

The conduct allegedly constituting sexual harassment and bullying:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The date and the location of the alleged incident, if known:

\_\_\_\_\_

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator:

Neil Sullivan  
Assistant Superintendent for Administration  
Simsbury Public Schools  
933 Hopmeadow Street  
Simsbury, CT 06070  
[nsullivan@simsburyschools.net](mailto:nsullivan@simsburyschools.net)  
860-651-3361

**Procedural Rights Under Title IX:**

- The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility under Title IX is made at the conclusion of the grievance process.
- All parties involved in the Title IX grievance process may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

It is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

**A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and the Board's Bullying Prevention and Intervention Policy is included with this notice.**

*SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS  
FOR SEXUAL HARASSMENT COMPLAINTS*

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL  
HARASSMENT COMPLAINTS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment, a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: \_\_\_\_\_

\_\_\_\_\_

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The district will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

\_\_\_\_\_

I voluntarily consent to the informal resolution process:

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian of Respondent

\_\_\_\_\_  
Date

**Definitions**

**Sexual abuse** refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth and sexual contact is considered abuse, regardless of whether it includes touching or not.

**Sexual assault** usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse--trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

**Program**

The Simsbury Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed in compliance with P.A. 14-196, by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources. The District's implementation of the Sexual Abuse and Assault Awareness and Prevention Program, per statute, shall be not later than October 1, 2016. The program shall include, but not be limited to:

1. Providing mandatory training to all District staff to ensure they are fully informed on:
  - a) the warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse;
  - b) mandatory reporting requirements;
  - c) school district policies pertaining to sexual abuse and sexual misconduct;

- d) establishing and maintaining professional relationships with students;
  - e) available resources for students affected by sexual abuse or misconduct;
  - f) appropriate follow-up and care for abused students as they return to the classroom
2. Providing students age-appropriate instructional and educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to:
- a) the skills to recognize:
    - i. child sexual abuse and assault;
    - ii. boundary violations and unwanted forms of touching and contact; and
    - iii. ways offenders groom or desensitize victims.
  - b) strategies to promote disclosure, reduce self-blame and mobilize bystanders;
  - c) actions that child victims of sexual abuse and assault may take to obtain assistance;
  - d) intervention and counseling options for child victims of sexual abuse and assault;
  - e) access to educational resources to enable child victims of sexual abuse and assault to succeed in school;
  - f) uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

The Board of Education directs the Superintendent to develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal of a written request from the student's parent or guardian. Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

### **Reporting Child Sexual and Abuse and Assault**

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be



followed for all acts of violence and sexual abuse against children as delineated in policy #4900, "Reporting of Child Abuse and Neglect," and its accompanying regulations.

Connecticut General Statutes 17a-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school School Counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Reporting suspected abuse and/or neglect of children, in addition to the requirements pertaining to staff training, record keeping and dissemination of this policy, shall be in accordance with the procedures established and set forth in the Administrative Regulations Reporting of Child Abuse and Neglect.

(cf. 5131.911 - Bullying)

(cf. 4900 - Reporting of Suspected Child Abuse)

(cf - 5145.51-Sexual Harassment)

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)

Adopted May 9, 2017

## 5145.53      Transgender and Gender Non-Conforming Youth

### Purpose

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

environment for all students and to ensure that every student has equal access to all school programs and activities.

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

### Definitions

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

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

"Transgender" describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

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

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

"Transition" is the process in which a person changes their gender expression to better reflect their gender identity. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their gender identity; and generally living and presenting themselves to others, consistently with their gender identity. Some, but not all,

transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity.

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

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

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

### Privacy

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

and to decide when, with whom, and how much to share private information.

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

#### Guidance: Official Records

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

#### Names/Pronouns

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

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

#### Gender-Segregated Activities

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

#### Student Information Systems

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

#### Restroom Accessibility

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

#### Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

#### Physical Education Classes & Intramural Sports

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

#### Interscholastic Competitive Sports Teams

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

#### Dress Codes

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

### Discrimination/Harassment

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

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

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

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

### Professional Development

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

Legal Reference: Connecticut General Statutes

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

46a-60 Discriminatory employment practices prohibited Federal Law.

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).

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

Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

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

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

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

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

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

Adopted April 26, 2016

## 5146 STUDENT WELFARE

### 5146.1 Immunizations

It is the policy of the Simsbury Board of Education to require each child enrolled in its public schools to be adequately immunized in accordance with state law. In furtherance of this policy, the Board authorizes the Administration to establish regulations outlining the immunization requirements applicable to district students. These regulations shall include the permissible exemptions from the various immunization requirements to the extent allowed under state law, and may include any other necessary procedures and requirements relevant to the conduct and recording of required immunizations.

## ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

In accordance with state law, the Simsbury Board of Education requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B, hepatitis B, varicella and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, prior to enrolling in any program or school under its jurisdiction. The Board also requires each child to receive a second immunization against measles before being permitted to enter seventh grade. Exemption from the pertinent requirements of these administrative regulations shall be granted to any child who:

- (1) presents a certificate from a physician or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health; or
- (2) presents a certificate from a physician stating that in the opinion of a such physician, such immunization is medically contraindicated because of the physical condition of such child; or
- (3) presents a statement from the parents or guardian of such child that such immunization would be contrary to the religious beliefs of such child. This statement must be acknowledged by a judge, family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, a Connecticut attorney or a school nurse. Such statement must be provided prior to enrollment in school and before being permitted to enter seventh grade (Note: Based on Public Act No.21-6, this exemption only applies to any child who was enrolled in Kindergarten through 12<sup>th</sup> grade on or before April 28, 2021 and whose parent(s) or guardian(s) had obtained and presented a religious exemption to the applicable student before April 28, 2021); or
- (4) in the case of measles, mumps or rubella, presents a certificate from a physician or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
- (5) in the case of hemophilus influenzae type B, has passed his/her fifth birthday; or
- (6) in the case of pertussis, has passed his/her sixth birthday.

In accordance with state law, the Simsbury Board of Education shall not be liable for civil damages resulting from an adverse reaction to a non-defective vaccine required to be administered by state law.

The Board of Education designates the Director of Health Services as the representative for receipt of reports from health care providers concerning



student immunizations.

Revised December 14, 2021

5146.2 Health Assessments/Screenings

It is the policy of the Simsbury Board of Education to require each student enrolled in its public schools to undergo the necessary health assessments required by state law. Such health assessment shall be required and conducted in accordance with all applicable state and federal laws. In furtherance of this policy, the Board authorizes the Administration to establish regulations governing the conduct and recording of the results of any such health assessment and/or screening, as well as the permissible exemptions from the health assessment and/or screening requirements, to the extent allowed under state law.

## ADMINISTRATIVE REGULATIONS REGARDING HEALTH ASSESSMENTS/SCREENINGS

### I. Assessments

The Simsbury Board of Education requires each student enrolled in the Simsbury Public Schools to have health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent him/her from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for him/her. Such health assessments must be conducted by a legally qualified practitioner of medicine, an advanced practice registered nurse or registered nurse, who is licensed under state statute, a physician assistant, who is licensed under state statute, or the school medical advisor. The Board of Education will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or he/she may provide for such assessment him/herself. No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the Simsbury Public Schools.

### II. Assessments Required:

Prior to enrollment in the Simsbury Public Schools, each student must undergo a health assessment, which shall include:

- (a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include; but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;
- (b) an updating of immunizations as required by state law;
- (c) vision, hearing, speech and gross dental screenings;
- (d) such other information, including health and developmental history, as the

physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include an assessment for tuberculosis. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

All mandated health assessments (grade K, grade 6 and 10) will include a risk exposure to tuberculosis. If the child is determined to be at high risk a test for tuberculosis will be performed. A student not already known to have a positive test should be tested if they have any of the following risk factors for tuberculosis infection: a) were born in a high risk country of the world and do not have a record of a tuberculin skin test performed in the U.S.; b) have traveled to a high risk country, stayed for at least a week with substantial contact with the indigenous population since the previously required examination; c) have had extensive contact with persons who have recently come to the U.S. since the previously required examination; d) had contact with person(s) suspected to have tuberculosis; or e) had contact with anyone who has been in a homeless shelter, jail or person using illegal drugs or has HIV infection.

All students originally from high risk countries who are entering a school in Connecticut for the first time receive a tuberculin skin test.

The results of the risk assessment and testing, when done, will be recorded on the student's school health record (CHR-1) or the state health assessment record (HAR-3).

Each student enrolled in the Simsbury Public Schools in grade six and in grade ten must undergo a health assessment, which shall include:

(a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include; but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six and grade ten assessments shall also include an assessment for

tuberculosis. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board of Education shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program.

### III. Screenings Required:

The Board of Education will provide annually to each student enrolled in kindergarten, grades one, three, four and five, a vision screening using a Snellen chart or equivalent screening. The Director of Health Services/school nurse shall give written notice to the parent or guardian of each student who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease.

The Board of Education will provide annually to each student enrolled in kindergarten, grades one, three, four and five, audiometric screening for hearing. The Director of Health Services/school nurse shall give written notice to the parent or guardian of each student who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect.

The Board of Education will provide annual postural screenings for female students in grades five and seven; and for male students in grades eight or nine. The Director of Health Services/school nurses shall give written notice to the parent or guardian of each student who evidences any postural problem, with a brief statement describing such evidence.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

### IV. Assessment/Screening Results:

The results of each assessment and screening required by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each physician, advanced practice registered nurse, registered nurse, or physician assistant performing health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student permanently leaves the Simsbury Public Schools, his/her cumulative health record shall be sent to the chief administrative officer of the school district to which the student moves, with Simsbury Board of Education retaining a copy.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice

to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required under these administrative regulations.

V. Other Non-Emergency Invasive Physical Examinations and Screenings:

- (a) In addition to the screenings listed above, the district may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).
- (b) A non-emergency, invasive physical examination or screening is defined as:
  - 1. any medical examination that involves the exposure of private body parts; or
  - 2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and
  - 3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and
  - 4. is not necessary to protect the immediate health and safety of the students.
- (c) If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection.
- (d) Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

VI. School Representative to Receive Information Concerning Health Assessments:

The Board of Education designates the Director of Health Services as the representative for receipt of reports from health care providers concerning student health assessments.

Revised December 14, 2021

### 5146.3 Suicide Prevention And Intervention

The Simsbury Board of Education recognizes that suicide is a complex issue and that schools are not mental health treatment centers. School personnel may recognize a potentially suicidal youth and, in such cases, may make a preliminary determination of level of risk. The Board directs the school staff to refer students who come to their attention as being at risk of attempting suicide for professional assessment and treatment services outside of the school.

The Board recognizes the need for youth suicide prevention procedures and will establish programs to assist staff to identify risk factors, intervention procedures, and procedures for referral to outside services. Training will be provided for teachers and other school staff and students to provide awareness and assistance in this area.

Any Board employee who has knowledge of a suicidal threat, attempt or ideation must immediately report this information to the building principal, or his/her designee, who will, in turn, notify appropriate Pupil Personnel Services staff, if appropriate a school Crisis Team or Student Assessment Team will be notified, with administrative assistance, if necessary, will contact the student's family and appropriate resources outside and within the school system. Information concerning a student's suicide attempt, threat or risk will be shared with others to the degree necessary to protect that student and others.

## ADMINISTRATIVE REGULATIONS REGARDING SUICIDE PREVENTION AND INTERVENTION

### Management of Suicidal Risk

The school cannot be expected to thoroughly evaluate and eliminate suicidal risk. Nevertheless, the Board is committed to respond in a supportive manner, both aggressively and immediately, to a student who has attempted, has threatened, or is seriously considering attempting suicide. The following procedures shall be implemented toward this end.

I. Any staff member who becomes aware of a student who may be at risk of suicide must immediately notify the building principal or his/her designee. This must be done even if the student has confided in the staff person and asked that his/her communication be kept confidential. The principal or designee will then notify an appropriate Pupil Personnel Service staff member.

II. The Pupil Personnel Service staff member shall interview the student, consider available background information and determine whether the student is “at-risk” or in “imminent danger.”

III. If the student is assessed to be “at-risk”:

- A. The Pupil Personnel Service staff member shall notify the student’s parent/guardian and request a meeting with them as soon as possible, preferably that same day.
- B. When the parent/guardian arrives at school, the Pupil Personnel Service staff member shall meet with him/her to discuss:
  1. the seriousness of the situation;
  2. the need for an immediate suicide risk evaluation at a medical or mental health facility, or other appropriate evaluation(s);
  3. the need for continued monitoring of the student at home if he/she is released following the evaluation;
  4. referral to appropriate professional services outside the school system; and
  5. a request for the parent/guardian to sign a release of information form permitting communication between the school and the facility to which the student will be taken, the student’s therapist and other appropriate individuals.
- C. The Pupil Personnel Service staff member shall document in writing the course of events, including what transpired at the meeting, and the outcome.
- D. If the parent/guardian does not follow through, thereby leaving the student “at-risk”, a medical referral to the Department of Children and Families (DCF) should be made (if the student is less than 18

years of age). The parent/guardian should be notified as soon as possible that such a referral has been made.

- E. The Pupil Personnel Service staff member will notify the Director of Special Services.
- F. The Pupil Personnel Service staff member may notify other staff, as necessary to protect the student and others.
- G. The Pupil Personnel Service staff member may refer the student to the school's Child Study Team, Mental Health Team, Crisis Intervention team, Student Assistance Team, Planning Placement Team or other staff as appropriate for further consultation and planning.
- H. The Pupil Personnel Service staff member or the team shall monitor the student's progress and shall consult as necessary with family, outside professionals and school staff.

IV. If the student is assessed to be "in imminent danger":

- A. The Pupil Personnel Service staff member shall ensure that the student is not left alone.
- B. The Pupil Personnel Service staff member shall notify the parent/guardian and request that the student be picked up at school and taken to a medical or mental health professional for thorough suicidal risk evaluation.
- C. When the parent/guardian arrives at school, the Pupil Personnel Service staff member shall meet with him/her to discuss:
  - 1. the seriousness of the situation;
  - 2. the need for an immediate suicide risk evaluation at a medical or mental health facility, or other appropriate evaluation(s)
  - 3. the need for continued monitoring of the student at home if he/she is released following the evaluation;
  - 4. referral to appropriate professional services outside the school system; and
  - 5. a request for the parent/guardian to sign a release of information form permitting communication between the school and the facility to which the student will be taken, the student's therapist and other appropriate individuals.
- D. When the parent/guardian arrives at school, the Pupil Personnel Service staff member shall meet with him/her to discuss:
  - 1. the seriousness of the situation;
  - 2. the need for an immediate suicide risk evaluation at a medical or mental health facility, or other appropriate evaluation(s);
  - 3. the need for continued monitoring of the student at home if he/she is released following the evaluation;



4. referral to appropriate professional services outside the school system; and
  5. a request for the parent/guardian to sign a release of information form permitting communication between the school and the facility to which the student will be taken, the student's therapist and other appropriate individuals.
- E. The Pupil Personnel Service staff member shall document in writing the course of events, including what transpired at the meeting, and the outcome.
- F. The Pupil Personnel Service staff member shall inform the principal of the course of events and the outcome.
- G. The Pupil Personnel Service staff member or principal will inform the Director of Special Services.
- H. The Pupil Personnel Service staff member may notify other staff, as necessary to protect the student and others.
- I. The Pupil Personnel Service staff member may refer the student to the school's Child Study Team, Mental Health Team, Crisis Intervention Team, Student Assistance Team, Planning and Placement Team or other staff as appropriate for further consultation and planning.
- J. If the parent/guardian is unable to come to school:
  1. The Pupil Personnel Service staff member shall provide, over the telephone, information as to available resources outside and within the school system, and shall plan follow-up contacts.
  2. The Pupil Personnel Service staff member will notify the parent/guardian of his/her intent to and arrange transport of the student to an appropriate evaluation/treatment site by means of emergency vehicle (e.g., ambulance or police cruiser).
  3. Police may be notified if the student poses a threat to the safety of him/herself or others, or as dictated by other circumstances.
  4. The Pupil Personnel Service staff member shall document in writing the course of events and the

outcome.

5. The Pupil Personnel Service staff member shall inform the principal of the course of events and the outcome.
6. The Pupil Personnel Service staff member or building principal will notify the Director of Special Services.

K. If the parent/guardian does not agree with the school's determination that the student is in imminent danger or for any other reason refuses to take action:

1. The Pupil Personnel Service staff member shall meet with the building principal to develop an immediate plan focused on protection of the student.
2. The Pupil Personnel Service staff member shall notify the parent/guardian of the plan and shall either a) inform the parent/guardian that the Department of Children and Families (DCF) will be contacted and a medical neglect referral made, if the parent/guardian remains uncooperative and the student is less than 18 years of age; or b) inform the parent or guardian and student that the police will be called if the parent or guardian or student remains uncooperative.
3. The Pupil Personnel Service staff member shall arrange for an emergency vehicle to transport the student to the hospital or an appropriate mental health facility; shall inform hospital staff of the situation; shall plan follow-up in relation to hospital staff or mental health facility staff decisions as to how to proceed.
4. The Pupil Personnel Service staff member shall consult and cooperate with DCF and/or the police as necessary.
5. The Pupil Personnel Service member shall document in writing the course of events and the outcome.

L. When a student assessed to have been "in imminent danger" returns to the school, the PPS staff member or the appropriate school-based team (if such referral has been made) shall coordinate consultation with outside professionals, supportive services in school, and changes in the instructional program, when necessary.

### Suicide Education/Prevention - Students and Staff

- I. As part of the Simsbury Public Schools' Health Education Curriculum and Developmental Guidance Curriculum, students will be educated regarding suicide risk factors and danger signals, and how they might appropriately respond if confronted with suicidal behavior, verbalizations, or thoughts.
- II. Annually, in-service training for school staff will be held in each school building to discuss suicide risk factors, danger signals, and the procedures outlined in these regulations.

Revised January 10, 2006

#### 5146.4 Administering Medications

The purpose of this policy is for the Board of Education (Board) to determine who shall administer medications in a school and the circumstances under which self-administration of medication by students shall be permitted.

The Board of Education allows students to self-administer medication and school personnel to administer medication to students in accordance with the established procedures, and applicable state regulations, sections 10-212a-1 through 10-212a-10 inclusive. In order to provide immunity afforded to school personnel who administer medication, the Board of Education, with the advice and approval of the School Medical Advisor and the school nurse supervisor, shall review and/or revise this policy and regulation biennially concerning the administration of medications to District students by a nurse, or in the absence of a nurse, by qualified personnel for schools.

#### **Definitions**

Administration of medication means any one of the following activities: handling, storing, preparing or pouring of medication; conveying it to the student according to the medication order; observing the student inhale, apply, swallow, or self-inject the medication, when applicable; documenting that the medication was administered; and counting remaining doses to verify proper administration and use of the medication.

Advanced practice registered nurse means an individual licensed pursuant to C.G.S. 20-94a.

**Authorized prescriber** means a physician, dentist, optometrist, advanced practice registered nurse or physician assistant, and for interscholastic and intramural athletic events only, a podiatrist.

**Before- and after-school program** means any child care program operated and administered by a local or regional Board of Education or municipality exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of C.G.S. 19a-77. Such programs shall not include public or private entities licensed by the Office of Early Childhood or Board of Education enhancement programs and extra-curricular activities.

**Board of Education** means a local or regional Board of Education, a regional educational service center, a unified school district, the regional vocational-technical school system, an approved private special education facility, or a non-public school whose students receive services pursuant to Section 10-217a of the Connecticut General Statutes.

**Carrier** means any school district, educational institution, or person, firm or corporation under contract to such district or institution engaged in the business of transporting students. (C.G.S. 14-212 (2)).

**Cartridge injector** means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reaction.

**Coach** means any person holding a coaching permit hired by the Board of Education to coach for a sport season.

**Controlled drugs** means those drugs as defined in Connecticut General Statutes Section 21a-240.

**Cumulative health record** means the cumulative health record of a student mandated by Connecticut General Statutes Section 10-206.

**Director** means the person responsible for the operation and administration of any school readiness program or before- and after-school program.

**Eligible student** means a student who has reached the age of eighteen or is an emancipated minor.

**Error** means:

(1) the failure to do any of the following as ordered:

- (a) administer a medication to a student;
- (b) administer medication within the time designated by the prescribing physician;
- (c) administer the specific medication prescribed for a student;
- (d) administer the correct dosage of medication;
- (e) administer medication by the proper route; and/or
- (f) administer the medication according to generally accepted standards of practice; or

(2) the administration of medication to a student which is not ordered by an authorized prescriber, or which is not authorized in writing by the parent or guardian of such student, except for the administration of epinephrine for the purpose of emergency first aid pursuant to Connecticut General Statutes 10-212a and Section 10-212a-2 of the Regulations of Connecticut State Agencies.

**Extracurricular activities** means activities sponsored by local or regional Boards of Education that occur outside of the school day, are not part of the educational program, and do not meet the definition of before- and after-school programs and school readiness programs.

**Guardian** means one who has the authority and obligations of guardianship of the person of a minor, and includes: (1) the obligation of care and control; and (2) the authority to make major decisions affecting the minor's welfare, including, but

not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

**Intramural athletic events** means tryouts, competition, practice, drills, and transportation to and from events that are within the bounds of a school district for the purpose of providing an opportunity for students to participate in physical activities and athletic contests that extend beyond the scope of the physical education program.

**Interscholastic athletic events** means events between or among schools for the purpose of providing an opportunity for students to participate in competitive contests which are highly organized and extend beyond the scope of intramural programs and includes tryouts, competition, practice, drills, and transportation to and from such events.

**Investigational drug** means any medication with an approved investigational new drug (IND) application on file with the Food and Drug Administration (FDA), which is being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.

**Licensed athletic trainer** means a licensed athletic trainer employed by the school district pursuant to Chapter 375a of the Connecticut General Statutes.

**Medication** means any medicinal preparation including over-the-counter, prescription and controlled drugs, as defined in Connecticut General Statutes Section 21a-240. This definition includes Aspirin, Ibuprofen or Aspirin substitutes containing Acetaminophen.

**Medication emergency** means a life-threatening reaction of a student to a medication.

**Medication plan** means a documented plan established by the school nurse in conjunction with the parent and student regarding the administration of medication in school. Such plan may be a stand-alone plan, part of an individualized health care plan, an emergency care plan or a medication administration form.

**Medication order** means the written direction by an authorized prescriber for the administration of medication to a student which shall include the name of the student, the name and generic name of the medication, the dosage of the medication, the route of administration, the time of administration, the frequency of administration, the indications for medication, any potential side effects including overdose or missed dose of the medication, the start and termination dates not to exceed a 12-month period, and the written signature of the prescriber.

**Nurse** means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut in accordance with Chapter 378 of the Connecticut General Statutes.

**Occupational therapist** means an occupational therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376a of the Connecticut General Statutes.

**Optometrist** means an optometrist licensed to provide optometry pursuant to Chapter 380 of the Connecticut General Statutes.

**Paraprofessional** means a health care aide or assistant or an instructional aide or assistant employed by the local or regional Board of Education who meets the requirements of such Board for employment as a health care aide or assistant or instructional aide or assistant.

**Physical therapist** means a physical therapist employed full time by the local or regional Board of Education and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General Statutes.

**Physician** means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut pursuant to Chapters 370 and 371 of the Connecticut General Statutes, or licensed to practice medicine in another state.

**Physician assistant** means an individual licensed to prescribe medications pursuant to Section 20-12d of the Connecticut General Statutes.

**Podiatrist** means an individual licensed to practice podiatry in Connecticut pursuant to Chapter 375 of the Connecticut General Statutes.

**Principal** means the administrator in the school.

**Qualified medical professional**, as defined in C.G.S. 10-212, means a physician licensed under Chapter 370, an optometrist licensed to practice optometry under Chapter 380, an advanced practice registered nurse licensed to prescribe in accordance with Section 20-94a or a physician assistant licensed to prescribe in accordance with Section 20-12d.

**Qualified personnel for schools** means (a) a qualified school employee who is a full time employee or is a coach, athletic trainer, or school paraprofessional or for school readiness programs and before and after school programs, means the director or director's designee and any lead teachers and school administrators who have been trained in the administration of medications. For school readiness programs and before- and after-school programs, Directors or Director's designee, lead teachers and school administrators who have been trained in the

administration of medication may administer medications pursuant to Section 10-212a-10 of the State regulations.

**Qualified school employee**, as defined in C.G.S. 10-212, means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional.

**Research or study medications** means FDA-approved medications being administered according to an approved study protocol. A copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

**School** means any educational facility or program which is under the jurisdiction of the Board excluding extracurricular activities.

**School medical advisor** means a physician appointed pursuant to C.G.S. 10-205.

**School nurse** means a nurse appointed in accordance with Connecticut General Statutes Section 10-212.

**School nurse supervisor** means the nurse designated by the local or regional Board of Education as the supervisor or, if no designation has been made by the Board, the lead or coordinating nurse assigned by the Board.

**School bus driver** means any person who holds a commercial driver's license with a public passenger endorsement to operate a school bus pursuant to subsection (a) of C.G.S. 14-44.

**School readiness program** means a program that receives funds from the State Department of Education for a school readiness program pursuant to subsection (b) of Section 10-16p of the Connecticut General Statutes and exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes.

**Self-administration of medication** means the control of the medication by the student at all times and is self-managed by the student according to the individual medication plan.

Supervision means the overseeing of the process of the administration of medication in a school.

**Teacher** means a person employed full time by a Board of Education who has met the minimum standards as established by that Board for performance as a teacher and has been approved by the School Medical Advisor and school nurse



to be designated to administer medications pursuant to the Regulations of Connecticut State Agencies Sections 10-212a-l through 10-212a-7.

### **General Policies on Administration of Medication**

A child with diabetes may test his/her own blood glucose level per the written order of a physician stating the need and the capacity of such child to conduct self-testing along with written authorization of the parent/guardian. Such self-testing shall be pursuant to guidelines promulgated by the Commissioner of Education. The time or place where a student with diabetes may test his/her blood-glucose level on school grounds shall not be restricted provided the student has written parental/guardian permission and a written order from a physician licensed in Connecticut.

The school nurse or school principal shall select a qualified school employee to, under certain conditions, give a glucagon injection to a student with diabetes who may require prompt treatment to protect him/her from serious harm or death. The nurse or principal must have the written authority from the student's parent/guardian and a written order from the student's Connecticut-licensed physician. The authorization shall be limited to situations when the school nurse is absent or unavailable.

No qualified school employee shall administer this medication unless he/she has annually completed any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon, the school nurse and school medical advisor must attest that the qualified school employee has completed such training and the qualified school employee voluntarily agrees to serve as a qualified school employee. The injections are to be given through an injector or injectable equipment used to deliver an appropriate dose of glucagon as emergency first aid response to diabetes.

A child diagnosed with asthma or a diagnosed life-threatening allergic condition, pursuant to State Board of Education regulations, may possess, self-administer or possess and self-administer medicine administered through the use of an asthmatic inhaler or an EpiPen or similar device in the school at all times or while receiving school transportation services if he/she is under the care of a physician, physician assistant, or advanced practice registered nurse (APRN) and such practitioner certifies in writing to the Board of Education that the child needs to keep an asthmatic inhaler or EpiPen at all times to ensure prompt treatment of the child's asthma or allergic condition and protect the child against serious harm or death. A written authorization of the parent/guardian is also required.

A school nurse may administer medication to any student pursuant to the written order of an authorized prescriber (physician, dentist, optometrist, an advanced practice registered nurse, or a physician assistant and for interscholastic and

intramural athletic events only, a podiatrist) and the written authorization of a parent or guardian of such child or eligible student and the written permission of the parent/guardian for the exchange of information between the prescriber and the school nurse necessary to ensure the safe administration of such medication.

In the absence of a school nurse, any other nurse licensed pursuant to the provisions of Chapter 378, including a nurse employed by, or providing services under the direction of the Board of Education at a school-based clinic, only qualified personnel for schools who have been properly trained may administer medications to students as delegated by the school nurse upon approval of the School Medical Advisor and the school nurse may administer medication to any student in the school following the successful completion of specific training in administration of medication and satisfactory completion of the required criminal history check.

Medications with a cartridge injector may be administered by qualified personnel for schools only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death. Qualified personnel for schools, as defined, may administer oral, topical, intranasal, or inhalant medication in the absence of a licensed nurse. Investigational drugs or research or study medications may not be administered by qualified personnel for schools.

Coaches and licensed athletic trainers during intramural and interscholastic events may administer medications pursuant to Section 10-212a-9 of the Regulations of Connecticut State Agencies and as described in this policy and in the administrative regulations to this policy.

In compliance with all applicable state statutes and regulations, parents/guardians may administer medications to their own children on school grounds.

### **Administration of Medication by Paraprofessionals**

A specific paraprofessional, through a plan approved by a school nurse supervisor and School Medical Advisor, may administer medications including medications administered with a cartridge injector, to a specific student with a medically diagnosed allergic condition that may require prompt treatment in order to protect the student against serious harm or death pursuant to Section 10-212a-9 of the Regulations of Connecticut State Agencies and as described in the administrative regulations. The approved plan also requires the written authorization of the student's parent/guardian and pursuant to the written order from the student's authorized prescriber licensed to prescribe medication.

### **Administration of Medications in School Readiness Programs and Before and After School Programs**

Directors, or their designees, who may include lead teachers or school administrators, who have been properly trained, may administer medications to students as delegated by the school nurse or other registered nurse, in school readiness programs and before- and after-school programs that are child care programs. Such programs must either be District-administered or administered by a municipality exempt from licensure by the Department of Public Health and are located in a District public school. Medicine may be administered pursuant to the Regulations of Connecticut State Agencies, Section 10-212a-10, to children enrolled in these programs.

Administration of medications shall be provided only when it is medically necessary for program participants to access the program and maintain their health status while attending the program. A child attending any before- or after-school program, defined as any child care program operated and administered by the Board in any building or on the grounds of any district school, upon the request and with the written authorization of the child's parent/guardian and pursuant to the written order from the student's authorized prescriber, will be supervised by the District staff member (Director or designee, lead teacher, school administrator) trained to administer medication including a cartridge injector. Such administration shall be to a particular student medically diagnosed with an allergy that may require prompt treatment to avoid serious harm or death.

Investigational drugs or research or study medications may not be administered by Directors or their designees, lead teachers or school administrators.

Properly trained Directors, Directors' designees, lead teachers or school administrators may administer medications to students as delegated by the school nurse or other registered nurse. They may administer oral, topical, intranasal, or inhalant medications. No medication shall be administered without the written order of an authorized prescriber and the written approval of the parent/guardian.

The selected staff member shall be trained in the use of a cartridge injector by either a licensed physician, physician's assistant, advanced practice registered nurse or registered nurse. (Optional: The selected staff member is also required to complete a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any Director of Health.)

The administration shall determine, in cooperation with the School Medical Advisor and school nurse [supervisor] whether additional school nursing services/nurses are required based on the needs of the program and the participants in the program. This determination shall include whether a licensed nurse is required on site. The recommendation shall be subject to Board approval.

The Board will allow students in the school readiness and before- and after-school programs to self-administer medication according to the student's individual health plan and only with the written order of an authorized prescriber, written authorization of the child's parent or guardian, written approval of the school nurse (The nurse has evaluated the situation and deemed it appropriate and safe and has developed a plan for general supervision of such self-medication.), and with the written permission of the parent or guardian for the exchange of information between the prescriber and the school nurse necessary to ensure the safe administration of such medication.

An error in the administration of medication shall be reported immediately to the school nurse, the parents/guardians and the prescribing physician. In case of an anaphylactic reaction or the risk of such reaction a school nurse may administer emergency oral and/or injectable medication to any child in need thereof on school grounds, or in the school building, according to the standing order of the School Medical Advisor or the child's private physician. However, in an emergency any other person trained in CPR and First Aid may administer emergency oral and/or injectable medication to any child in need on school grounds, or in the school building. In addition, local poison control center information shall be readily available at the sites of these programs. The Program Director or his/her designee shall be responsible for decision making in the absence of the nurse.

In the event of a medical emergency, the following will be readily available: (1) local poison information center contact information; (2) the physician, clinic or emergency room to be contacted in such an emergency; and (3) the name of the person responsible for the decision making in the absence of a school nurse.

All medications shall be handled and stored in accordance with the provisions of subsection (a) to (k) inclusive of the Regulations of Connecticut State Agencies, as outlined in the accompanying administrative regulation to this policy.

Where possible, a separate supply of the child's medication shall be stored at the site of the before- or after-school program or school readiness program. If this is not possible, a plan should be in place to ensure the timely transfer of the medication from the school to the program and back on a daily basis.

Documentation and record keeping shall be done in compliance with the stipulations outlined in the administrative regulation accompanying this policy.

The portion of this policy pertaining to the administration of medication in school readiness programs and before and after school programs shall be reviewed by the school medical advisor or a licensed physician and the school nurse supervisor.

## **Administration of Medication by Coaches and Licensed Athletic Trainers During Intramural and Interscholastic Events**

During intramural and interscholastic athletic events, a coach or licensed athletic trainer who has been trained in the general principles of medication administration applicable to receiving, storing, and assisting with inhalant medications or cartridge injector medications and documentation, may administer medication for select students for whom self-administration plans are not viable options as determined by the school nurse.

The medication which may be administered is limited to: (1) inhalant medications prescribed to treat respiratory conditions and (2) medication administered with a cartridge injector for students with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.

The school nurse is responsible for the student's individualized medication plan and shall provide the coach with a copy of the authorized prescriber's order and the parental/guardian permission form. Parents are responsible for providing the medication, such as the inhaler or cartridge injector, to the coach or licensed athletic trainer, which shall be kept separate from the medication stored in the school health office during the school day.

Medications to be used in athletic events shall be stored in containers for the exclusive use of holding medications; in locations that preserve the integrity of the medication; under the general supervision of the coach or licensed athletic trainer trained in the administration of medication; and in a locked secure cabinet when not in use at athletic events.

The agreement of the coach or licensed athletic trainer is necessary for the administration of emergency medication and the implementation of the emergency care plan.

Coaches and athletic trainers are required to fulfill the documentation requirements as outlined in the administrative regulations accompanying this policy. Errors in the administration of medication shall be addressed as specified in Section 10-212a-6 of the Regulations of Connecticut State Agencies, and detailed in the administrative regulation pertaining to this policy. If the school nurse is not available, a report may be submitted by the coach or licensed athletic trainer to the school nurse on the next school day.

### **Storage and Administration of Epinephrine**

Storage and Use of Epinephrine Cartridge Injectors (Emergency Administration of Epinephrine to Students without Prior Written Authorization)

A school nurse or, in the absence of a school nurse, a "qualified school employee" who has completed the training required by PA 14-176, shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions, who were not previously known to have serious allergies and who do not have a prior written authorization of a parent/guardian or a prior written order of a qualified medical professional for the administration of epinephrine.

*Note: EpiPens expire yearly. Therefore, schools are responsible for refilling their prescriptions annually. It is estimated that each school would require two to three two-pack EpiPens.*

The school nurse or school principal shall select qualified school employees who voluntarily agree to be trained to administer such epinephrine as emergency first aid. There shall be at least one such qualified school employee on the grounds of each District school during regular school hours in the absence of the school nurse. Each school must maintain a supply of epinephrine in cartridge injectors (EpiPens) for such emergency use.

*Note: This requirement pertains only during regular school hours and does not include after-school activities.*

The school shall fulfill all conditions and procedures promulgated in the regulations established by the State Board of Education (Section 10-212a-2) for the storage and administration of epinephrine by school personnel to students for the purpose of emergency first aid to students who experience allergic reaction and do not have prior written authorization for epinephrine administration.

The school nurse or, in the absence or unavailability of such school nurse, such qualified school employee may administer epinephrine to a student experiencing a life-threatening undiagnosed allergic reaction as emergency first aid, to students who do not have a prior written authorization from a parent or guardian or a prior written order from a qualified medical professional for the administration of epinephrine. A qualified school employee must annually complete the required training program in order to be permitted to administer epinephrine utilizing an EpiPen.

Following the emergency administration of epinephrine by a qualified school employee to a student who does not have a prior written authorization of a parent/guardian or a prior written order of a qualified medical professional, such administration must be reported immediately to the school nurse or medical advisor, the student's parent/guardian by the school nurse or the qualified school employee and a medication administration record shall be submitted by the qualified school employee at the earliest possible time, but not later than the next school day. Such record must be filed in or summarized on the student's cumulative health record.

The parent/guardian of a student may submit, in writing, to the school nurse and school medical advisor, if any, that epinephrine shall not be administered to his/her child permitted by statute. The District shall annually notify parents/guardians of the need to provide such written notice.

The Board of Education, recognizing this emergency use of epinephrine for previously undiagnosed students, per the statute, is to take place during "regular school hours" establishes such hours to be from the arrival of the first students to the school site to the departure of the last bus serving the school at the conclusion of the day's instructional programs.

Note: The regulations indicate that boards of education determine the regular school hours for each school. Another definition could be the hours specified in the Teacher's Contract for the normal school/employment day in terms of hours.

### **Administration of Anti-Epileptic Medications to Students**

With the written authorization of a student's parent/guardian, and pursuant to the written order of a physician, a school nurse (and a school medical advisor, if any), shall select and provide general supervision to a qualified school employee, who voluntarily agrees to serve as a qualified school employee, to administer anti-epileptic medication, including by rectal syringe, to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan. Such authorization is limited to situations when the school nurse is absent or unavailable. No qualified school employee shall administer such medication unless he/she annually completes the training program developed by the State Department of Education, in consultation with the School Nurse Advisory Council.

In addition the school nurse (and school medical advisor, if any), shall attest, in writing, that such qualified school employee has completed the required training. The qualified school employee shall also receive monthly reviews by the school nurse to confirm his/her competency to administer anti-epileptic medication. For purposes of the administration of anti-epileptic medication, a "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the District, coach or school paraprofessional.

### **School Bus Drivers Training**

By June 30, 2019, school transportation carriers must provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction. Such training can be completed online, provided the online module fulfills legislative requirements.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers (1) following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and (2) upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

(cf. 4112.5/4212.5 - Security Check/Fingerprinting)

(cf. 5141 - Student Health Services)

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

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, PA 15-215 and PA 18-185)

10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

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.

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 and PA 18-185)

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.

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

PA 18-185 An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools.

Adopted June 11, 2019

**ADMINISTRATIVE REGULATIONS**  
**Simsbury Medication Policy**  
**Prescription and Non-Prescription**

In compliance with the Connecticut State Law and Regulations of the State Department of Education Section 10-212a-1, the Simsbury Board of Education requires an authorized prescriber (physician, dentist, optometrist, advanced practice registered nurse or physician assistant) written authorization for a nurse or other authorized staff member to administer medication in school. Medication must be in a pharmacy prepared container, or the original container and brought to school by the parent/guardian. It must be labeled with the name of the child, the name of the drug (brand name and generic name), the strength, dosage and frequency, along with the authorized prescriber's name.

The form on the next page must be completed by an authorized prescriber ordering the medicine and by the parent/guardian. Written permission from the parent for the exchange of information between the prescriber and the school nurse is necessary to ensure the safe administration of such medication

Please ask the pharmacist for a school container as well as a container for home when a prescription is taken to the pharmacy. The pharmacist will supply a second container for administration of medicine in school. Any medication received in a non-pharmaceutical container will not be administered. No more than a 3 month supply of a medication for a student will be stored at the school.

Please remember that all medication must be brought to school by the parent/guardian and delivered only to the school nurse or in absence of the nurse, other qualified personnel (principal or certified teacher) trained in medication administration and assigned to the school. It must be picked up in the same manner; otherwise, it will be discarded.

The Board of Education will permit those students deemed capable to self-administer non-prescription and/or prescribed emergency medication, including rescue asthma inhalers and automatic prefilled cartridge injectors such as epipens for medically-diagnosed allergies, and will permit such students to self-administer other medications, *excluding* controlled drugs as defined in Section 10-212a-1 of the Regulations of Connecticut State Agencies, provided: (a) an authorized prescriber provides a written medication order for self-administration; (b) a parent/guardian or eligible student provides written authorization for self-administration of medications; (c) a school nurse has assessed the student's competency for self-administration in the school setting and deemed it to be safe and appropriate.

Revised 1 /2011/2015/ review 5/2017, 8/2018

**Simsbury Public Schools**  
**Administration of Medicine Consent Form**

**AUTHORIZATION FOR THE ADMINISTRATION OF MEDICINES BY THE SCHOOL NURSE OR EMPLOYEE AUTHORIZED TO ADMINISTER MEDICATIONS UNDER THE BOARD OF EDUCATION POLICY IN THE ABSENCE OF A SCHOOL NURSE**

The Connecticut State Law and Regulations requires an authorized prescriber (physician, dentist, optometrist, advanced practice registered nurse or physician assistant) written order and parent or guardian's authorization for a nurse or an employee (authorized to administer medication under the Board of Education policy) to administer medication in school. In compliance with state law, the Simsbury Board of Education's Medication policy is summarized on the reverse side of this form. Please review the requirements and fill in the following information:

**Today's Date:** \_\_\_\_\_

**Name of Child:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**1. Medication Name:** \_\_\_\_\_ **Generic Medication Name:** \_\_\_\_\_

Controlled Drug: ( ) Yes ( ) No

Condition for which medicine is required:

\_\_\_\_\_

Administer from: \_\_\_\_\_ to \_\_\_\_\_ Time of Administration: \_\_\_\_\_ Dosage \_\_\_\_\_

Method: \_\_\_\_\_ Relevant Side Effects \_\_\_\_\_ Plan for side effects \_\_\_\_\_

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**Physician/Dentist/ Optometrist /Advanced Practice Registered Nurse / Physician Assistant**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Please print name \_\_\_\_\_ Phone \_\_\_\_\_

Can Student self-carry this medication (not a controlled medication)? ( ) Yes ( ) No

Can Student self-administer this medication? ( ) Yes ( ) No

Should medication be administered on field trips? ( ) Yes ( ) No

Known Food or Drug Allergies? ( ) Yes ( ) No If yes please explain \_\_\_\_\_

Comments: \_\_\_\_\_

**Authorization by Parent/Guardian for the administration of the above medication**

To School Personnel: I hereby request that the above medication that has been ordered by an authorized prescriber (Physician, Dentist, Optometrist, APRN, PA) for my child \_\_\_\_\_, be administered by the school nurse or others that are medication administration trained and allowed to administer medication in the absence of a school nurse by Board of Education.

I agree with the authorized prescriber (above) that my child may: ( ) Yes ( ) No self-administer/carry the medication and will remain under the responsibility of my child.

I understand that I am authorizing permission for the exchange of information between the prescriber and the school nurse necessary to ensure the safe administration of such medication. I understand that I must supply the school with the prescribed medication in the original container dispensed and properly labeled by a physician or pharmacist and will provide no more than a 3 month day supply of said medication. I understand that this medication will be destroyed if it is not picked up within one week following termination of the order or one week beyond the close of school.

Name: (print) \_\_\_\_\_

Signature \_\_\_\_\_

Relationship to child: \_\_\_\_\_ Telephone: \_\_\_\_\_ Address: \_\_\_\_\_

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

## 5147      TRANSPORTATION

### 5147.1 Routes and Services

#### Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students.
2. supplement and reinforce desirable student behavior patterns.
3. assist disabled students appropriately.
4. enrich the instructional program through carefully planned field trips as recommended by the staff.

#### Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from his/her residence or the bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved by the municipality or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Simsbury Board of Education.
3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to and from school and/or a designated bus

- pick-up area.
6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
  7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
  8. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

#### Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K	up to ½ mile
1-6	¾ mile
7-12	1 ½ miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Board, it is in the best interests of the district to provide transportation.

#### **Hazardous Conditions**

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. A street or road having an adjacent or parallel sidewalk or raised

walk area shall be deemed hazardous when any one of the following conditions exist:

- a) For pupils in grades K through 6:
  - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect; OR
  - (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection.
- b) For pupils enrolled in grades 7 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school;
- c) For all pupils:
  - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR
  - (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.

2. Any street, road, or highway that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:

- a) For pupils enrolled in grade K through 6:
  - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
  - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
- b) For all pupils:

- (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
  - (ii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR
  - (iii) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
  - a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
  - b) any area adjacent to a roadway, sidewalk, or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
- 4. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.

#### Applicability and Exceptions

- 1. This policy is applicable to private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
- 2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
- 3. The Board of Education may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

**Complaint Procedure**

The superintendent of schools shall develop and implement a procedure for the reporting of all complaints relative to school transportation safety and shall cause to be maintained a written record of all such complaints received.

Revised January 10, 2006



#### 5147.2 Bus Conduct

School transportation is a student privilege conditional upon satisfactory behavior on buses and at bus stops.

Students will be advised that, while awaiting or receiving transportation to and from school, they may be suspended from transportation services for unsatisfactory conduct which endangers persons or property or violates a Board policy or administrative regulation. Principals shall follow procedures in Policy 5116 Student Discipline when suspending student bus privileges.

The following list of rules are to be observed by all students riding school buses at all times and are to be strictly enforced by all bus drivers:

1. The driver is in complete charge of the bus and the children being transported. The driver may make changes in seating, arrange for discipline as it is required, and may take all reasonable steps to ensure the safety of his/her bus and its passengers.
2. Students must remain seated at all times while the bus is in motion. Students may leave their seats only when the bus is stopped and directed by the driver or stopped at their destination.
3. No student shall leave the bus without permission from the driver or school authorities except at the student's regular bus stop or at the school.
4. Conduct on the buses will be like classroom conduct except that reasonable conversation is permissible. Inappropriate behavior of any form or manner is not permissible.
5. Drivers will report any misconduct on their bus and any disciplinary action they may take to the Principal of the school.
6. Students who refuse to comply with regulations will be advised that they may be suspended from transportation services under the conditions set forth in the Suspension/Expulsion policy and regulation at 5132/5133 of this manual.
7. Students who damage or deface bus or equipment on the bus will be held liable for such damage.
8. Conversation with the driver while the bus is in motion is not permitted except to call the driver's attention to any inappropriate behavior or conduct that might jeopardize the safety of one of its riders.
9. Students must not, at any time, extend their arms or heads out of a bus window.

10. The use of tobacco, drugs or any controlled substance in any form on a school bus is prohibited by state law.
11. No indecent or profane language will be permitted, and there will be no loud or disturbing talking.
12. Bus windows shall not be opened without the driver's permission.
13. Upon entering or leaving a school bus, students will avoid crowding or disturbing others. Students boarding a bus at a point where others debark from it will always stand back away from the door and let those who are getting off out before they attempt to Board the bus.
14. Students must not throw any articles away in or about the bus.
15. The bus must be kept clean, and students must cooperate in this by not leaving waste paper or trash of any kind that will clutter up the bus.

Revised January 10, 2006