

WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE
NOTICE OF SPECIAL MEETING
AGENDA

(Agenda Subject to Modification in Accordance with Law)

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Order No. 7B, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportps.org and shown on Optimum Government Access Channel 78 and Frontier Channel 6021. Emails to BOE members can be sent to BOE@westportps.org. Comments to be read during the public comment period must be submitted to the meeting's Googledoc during the submission period. Please see the following link for instructions and guidelines: https://www.westportps.org/uploaded/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf. We will use our best efforts to read public comments if they are received during the public comment period and if they state your full name and address. Meeting materials will be available at westportps.org along with the meeting notice posted on the Meeting Agenda page.

WORK SESSION:

8:00 a.m. Held Remotely Via Zoom Pursuant to Executive Order 7B

Executive Session Anticipated:

1. Discussion of attorney-client privileged memorandum providing legal advice regarding Board policies

DISCUSSION/ACTION:

1. Minutes: September 30, 2020, *pages 1-2*

DISCUSSION:

1. Second Reading of the Following Policies:
 - 6159, "Individualized Education Instruction Program" (Revision), *pages 3-6*
 - 6162.51, Surveys of Students/Student Privacy (Revision), *pages 7-13*
 - 5112, "Ages of Attendance" (Revision), *pages 14-16*
 - 5141.21, "Administration of Medications" (Revision), *pages 17-39*
 - 5145.15, "Disclosure of Directory Information" (Revision), *pages 40-42*
 - 5145.41, "Non-Discrimination" (Revision and Renumbering to 5145.4), *pages 43-45*
 - 4118.237/4218.237/5141.8, "Face Masks/Coverings" (New), *pages 46-47*
 - 5144, "Physical Restraint" (Renumber Only to 5144.1), *pages 48-49*
 - 5113.2-C19, "Attendance, Truancy, and Chronic Absenteeism" (Revision), *pages 50-51*
2. First Reading of the Following:
 - Regulation 5125.1, "Electronically Stored Data" (Renumbering to 2260), *pages 52-56*
 - Policy 2260, "Policy Regarding Retention of Electronic Records and Information" (New) *pages 57-58*
 - Policy 5131.6, "Alcohol, Drugs, and Tobacco" (Revision), *pages 59-72*

3. Any Other Policy Matters

ADJOURNMENT

The meeting can also be viewed on Cablevision on channel 78; Frontier channel 6021, and by video stream @www.westportps.org

PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Public comment will be accepted via a Google doc and the comments will be read aloud at the meeting. A link will be provided prior to the meeting.
- There will be no in-person public comment due to public health concerns.
- A maximum of 15 minutes will be provided for public comments.
- Comments on agenda items are limited to 1 minute each.

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

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

Committee Members Present:

Karen Kleine Committee Chair (departed at 9:26 a.m.)
Youn Su Chao
Lee Goldstein

Administrators Present

John Bayers Director of Human Resources
Jessica Smith Counsel, Shipman and Goodwin (departed at 9:25 a.m.)
Mike Rizzo Assistant Superintendent for Pupil Personnel Services (present 9:21 a.m. - 9:45 a.m.)
Sue Levasseur Supervisor of Health Services (arrived at 9:25 a.m.)

PUBLIC SESSION/CALL TO ORDER: 8:04 a.m., Held Remotely Via Zoom Pursuant to Executive Order 7B

MINUTES: Karen Kleine moved to approve the minutes of September 16, 2020; seconded by Youn Su Chao. (3-0-0).

Karen Kleine moved to add to the agenda Policy 5113.2, "Student Attendance;" seconded by Youn Su Chao. (3-0-0)

EXECUTIVE SESSION: Discussion of attorney-client privileged memorandum providing legal advice regarding Board policies. Karen Kleine moved to enter into executive session, inviting Jessica Smith; seconded by Youn Su Chao. (3-0-0)

Karen Kleine moved to resume public session, seconded by Youn Su Chao. (3-0-0)

DISCUSSION

Second Reading of the Following Policies:

- 6159, "Individualized Education Instruction Program" (Revision)
- 6162.51, Surveys of Students/Student Privacy (Revision)
- 5141.21, "Administration of Medications" (Revision)
- 4118.237/4218.237/5141.8, "Face Masks/Coverings" (New)
- 1331, "Smoke Free Environment" (Revision)
- 5144, "Physical Restraint" (Renumber Only to 5144.1)

First Reading of the Following Policies:

- 5113.2, "Student Attendance"

The following policies were postponed:

- Policy 5125, "Confidentiality and Access to Education Records"
- 5112, "Ages of Attendance" (Revision)
- 5145.15, "Disclosure of Directory Information" (Revision)
- 5145.41, "Non-Discrimination" (Revision and Renumbering to 5145.4)
- 5125.1, "Electronically Stored Data" (Revision)
- 5131.6, "Alcohol, Drugs, and Tobacco" (Revision)

ADJOURNMENT

Meeting adjourned at 9:50 a.m.

Respectfully submitted,
Jennifer Caputo

Instruction

Individualized Education Program/Special Education Program

~~The individualized education program shall be based upon the diagnostic findings of the evaluation study.~~ The Planning and Placement Team shall base recommendations for the development of and for any changes in a child's individualized education program upon the child's current individualized education program evaluations, data, and any information relating to the child's current educational performance.

~~Each Planning and Placement Team shall develop, or revise, whichever is appropriate, have in effect the individualized education program for each child requiring special education and related services as of prior to the beginning of each school year. In the case of a student enrolled after the last day of the previous school year, this process shall be completed by October first of the school year.~~

The individualized education program shall be a written statement developed by the PPT which shall include the following:

1. A statement of the child's present levels of academic achievement and functional performance, including ~~where appropriate, academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills and self-help skills~~ how the child's disability affects the child's involvement and progress in the general education curriculum or, for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
2. A statement of measurable annual educational goals, including academic and functional goals designed to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other educational needs that result from the child's disability; ~~for the school year "reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances," under the child's individualized educational program;~~
3. A statement of how the child's progress toward meeting the annual goals will be measured, and when periodic reports will be available on the progress the child is making toward meeting the annual goals. (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards); ~~The child's educational program must be appropriately ambitious in light of his/her circumstances and provide the opportunity to meet challenging objectives.~~
4. A statement of short-term instructional objectives derived from the measurable annual goals. Short-term instructional objectives shall include objective criteria, evaluation

procedures and schedules for determining, on a regular basis, whether the short-term instructional objectives are being achieved;

5. A statement of short-term instructional objectives for students with disabilities who take alternative assessments aligned to alternative achievement standards; ~~(Benchmarks or short term objectives in addition to annual goals are not required for all other students with disabilities.)~~

6. ~~A statement of specific educational services needed by the child, including a description of special education, related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, which are needed to meet the needs of the child. Such description shall include the type of transportation necessary and a statement of the recommended instructional settings.~~
A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, as well as a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education environment, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and nondisabled children;

7. A list of the individuals who shall implement the individualized program;

8. The projected date when those services will begin and length of time the services will be given with the length of the school day and school year needed to meet the child's special education needs, including criteria to determine when services will no longer be needed for the beginning of the special education and related services, and the anticipated frequency, location and duration of the special education and related services;

9. A description of the extent, if any, to which the child will not participate with nondisabled children in regular classes and activities;~~will be involved in and make progress in the general education curriculum defined as the same curricula for nondisabled children. This shall include a description of how the regular education program will be modified to meet the child's needs;~~

10. The specifics of the child's transportation needs;

~~8. A list of the individuals who shall implement the individualized program; and~~

~~10. 9. In the case of a residential placement, whether such placement is being recommended because of the need for services other than educational services.~~

11. A statement of any individual appropriate accommodations that are necessary to measure the academic and functional performance of the child on State and District assessments;

12. If it is determined that the child will take an alternate assessment on a State or District assessment of student achievement, ~~the IEP must contain in~~ a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child;

13. Beginning not later than the first IEP to be in effect when the child is sixteen (16), ~~with the exception of students identified with autism for which the age is fourteen (14) or fourteen (14) if the child is diagnosed with Autism Spectrum Disorder,~~ and updated annually thereafter, a statement of appropriate, measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills, and the transition services needed to assist the child in reaching those goals;

14. Beginning not later than one year before the ~~student-child~~ reaches the age of majority (18), a statement ~~informing the student of his/her rights under IDEA~~ that the child has been informed of the child's rights under the IDEA and corresponding State law that will transfer to the child on reaching the age of majority; and

15. In the case of a residential placement, a statement of whether such placement is being recommended because of the need for services other than educational services.

~~For a child identified as deaf or hearing impaired, the IEP which includes a language and communications plan shall address:~~ The IEP for any child identified as deaf or hard of hearing shall include a language and communication plan developed by the PPT. Such language and communication plan shall address:

1. The child's chosen primary language or mode of communication;
2. opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
3. educational options available to the child;
4. the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
5. the accessibility of academic instruction, school services and extracurricular activities to the child;
6. assistive devices and services for the child;
7. communication and physical environment accommodations for the child; and
8. an emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the

emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

- Legal References:
- 20 U.S.C. § 1414. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements
 - 34 C.F.R. § 300.8. Child with a Disability.
 - 34 C.F.R. § 300.17. Free Appropriate Public Education.
 - 34 C.F.R. § 300.22. Individualized Education Program.
 - 34 C.F.R. § 300.34. Related Services
 - 34 C.F.R. § 300.39. Special Education.
 - 34 C.F.R. § 300.43. Transition Services
 - 34 C.F.R. § 300.320. Definition of Individualized Education Program.
 - 34 C.F.R. § 300.324. Development, Review, and Revision of IEP.
 - Conn. Gen. Stat. § 10-76a. Definitions.
 - Conn. Gen. Stat. § 10-76d. Duties and Powers of Boards of Education to Provide Special Education Programs and Services. Medicaid Enrollment, Participation and Billing Requirements. Development of Individualized Education Program. Planning and Placement Team Meetings. Public Agency Placements. Apportionment of Costs. Relationship of Insurance to Special Education Costs. Prohibition on Punishing Members of Planning and Placement Teams for Certain Behavior During Meetings.
 - Conn. Gen. Stat. § 10-76jj. Language and Communication Plans for Children Identified as Deaf or Hard of Hearing ([as amended by Public Act. No 19-184](#)).
 - R.C.S.A. § 10-76a-1. General Definitions.
 - R.C.S.A. § 10-76d-11. Individualized Education Program.

Policy adopted:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Instruction

Survey of Students/Student Privacy

Surveys can be a valuable resource for schools and communities ~~in determining student needs for educational services.~~¹ When a survey is used, ~~every~~ effort should be made to ask questions in a neutral manner to [help](#) ensure the accuracy of the survey.²

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, [determining](#) the need for student services, ~~the determination of~~ [determining](#) prevailing views pertaining to proposed policies and/or practices, or ~~the determination of~~ [determining](#) student knowledge and/or attitudes related to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. [Surveys require Board and/or administrative approval, as applicable is required for surveys.](#)³ Responses [to surveys](#) will not be used in ~~any identifying a manner that reveals personally identifiable student information unless a legally recognized exception or exemption applies~~ ~~manner.~~⁴

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 a 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,
 1. the student's name;
 2. the name of the student's parent or other family members;
 3. the address of the student or student's family;

¹ [I have proposed to strike this language because the stricken language represents only a small portion of the reasons why surveys may be administered, according to the language of the policy.](#)

² [I have proposed to soften the language to avoid establishing standards that may be difficult to meet \(e.g., "every effort" and "ensure"\).](#)

³ [You added the Board approval requirement in Section II.](#)

⁴ [I am concerned about framing this as an absolute. For example, a student may consent to the use of personally identifiable information, or such information may be used in an emergency circumstance.](#)

4. a personal identifier, such as the student's social security number, student number, or biometric record;
 5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- 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**

Surveys conducted for agencies, organizations, or individuals other than the Westport Public Schools must have the recommendation of the Superintendent, or his/her designee, and approval of the Board of Education as to content and purpose.

- 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).
 - ix) biometric records
 - x) medical/genetic information
- b. At the beginning of the school year, ~~5~~ 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.

f. For each Confidential Topic Survey, the administration shall determine whether, in connection with administering such survey, additional steps are advisable to help further protect student privacy, including but not limited to the privacy of student information collected, maintained, and/or used via a web-based platform such as an Internet web site, online service, or mobile application. The administration shall specifically consider, among any other considerations the administration determines are appropriate, (i) whether, in addition to the direct notice described in Section II.B.2.b above, further direct notice to parents of affected students of the district's intent to distribute such Confidential Topic Survey is appropriate, and if so, the timing and form of such notice; and (ii) whether such Confidential Topic Survey should be administered using paper and pencil in lieu of a web-based platform.

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 of 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. The administration will require parents (or students aged eighteen (18) or older or emancipated minors) to opt in to participation in the collection, disclosure or use of personal information 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/screenings 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 affected students or 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, D.C. 20202-8520

(cf. 6161 – Instructional Materials Selection)

Legal Reference:

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

Policy adopted:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Ages of Attendance

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons five years of age and older, having attained age five on or before the first day of January of any school year, and under twenty-one years of age who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d. Additionally, according to Connecticut General Statute 10-76d (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education.

Parents and those who have the control of children five years of age and over and under eighteen years of age, are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Students under age eighteen are subject to mandatory attendance laws unless they are at least seventeen and their parent/guardian, or other person having control of the child, consents to such child's removal from school. ~~The parent or person having control of a child seventeen years of age must consent to such child's withdrawal from school.~~ The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form. ~~This district shall provide the parent or person with information on the educational opportunities available in the school system and in the community.~~ Such withdrawal form shall include an attestation from a guidance counselor, school counselor, or school administrator of the school that this district has provided the parent or person with information on the educational opportunities options available in the school system and in the community.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

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

The parent/guardian of any child who is denied admission to the district's schools, or an unaccompanied minor, a student eighteen years of age or older, a homeless child or youth or an unaccompanied youth who is denied schooling on the basis of residency, or an agent or officer charged with the enforcement of the laws concerning attendance at school may request, in writing, a hearing by the Board of Education.

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

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

A child who has attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if he/she cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. [5111](#) - Admission/Placement)

~~(cf. [5112](#) - Ages of Attendance)~~

(cf. [5118.1](#) - Homeless Students)

(cf. [6146](#) - Graduation Requirements)

Legal Reference: Connecticut General Statutes

[4-176e to 4-180a Agency hearings](#)

[4-181a Contested cases. Reconsideration. Modifications.](#)

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

[10-15c](#) Discrimination in public schools prohibited. School attendance by five-year-olds

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) [as amended by PA-98-243, PA 00-157, PA 09-6 \(September Special Session\) and PA 18-15](#)

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings. [\(as amended by P.A. 19-179\)](#)

Appeals to State Board. Establishment of hearing board

[10-233a](#) - [10-233f](#) Inclusive; re: suspend, expel, removal of students

[10-233c Suspension of students](#)

[10-233d Expulsion of pupils](#)

[10-233d Expulsion of pupils](#)

State Board of Education Regulations

[10-76a-1 General definitions \(c\) \(d\) \(q\) \(t\)](#)

[P.A. 19-179 An Act Concerning Homeless Students' Access to Education](#)

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

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

Policy adopted: April 16, 1991

Revised: May 13, 1997

Revised: December 8, 2011

[Revised:](#)

**WESTPORT PUBLIC SCHOOLS
Westport, Connecticut**

Students

Administration of Medications in the Schools

Purpose: ~~To promote the safe administration of medications to students in order to maintain their health, support their learning, and intervene in medical emergencies.~~

~~The Westport Board of Education shall adopt written policies and procedures, in accordance with C.G.S., Section 10-212a and Connecticut regulations, Section 10-212a-1 through Section 10-212a-10. Pursuant to the regulations, Section 10-212a-2 (a) (4), the Board, with the advice and approval of the school medical advisor and health services supervisor, shall review and revise the policy and procedures concerning medication administration in school as needed, but at least biennially, except that the policy and procedures specific to school readiness and before and after school programs shall be reviewed on an annual basis. Once so approved, administration of medication, including over the counter medicines, shall be in accordance with the policy, procedures and health services protocols of Westport Public Schools for the administration of medications.~~

~~For the administration of medication in school readiness and before and after school programs, as defined in Connecticut regulations, Section 10-212a-1, the Westport Board of Education shall develop, and review on an annual basis, procedures for administration of medication in these programs, with input from the school medical advisor, or a licensed physician, and the school nurse supervisor. Once so approved, administration of medication in school readiness and before and after school programs shall be in accordance with Connecticut regulations, Section 10-212a-10, this policy, and Westport Public Schools' procedures for the administration of medications.~~

~~The Board authorizes the Superintendent or his/her designee to develop administrative regulations and/or procedures in accordance with this policy and applicable state law concerning the administration of medication to students in school.~~

~~In accordance with Connecticut General Statutes, Section 10-212a, no school nurse or other nurse, principal, teacher, licensed physical or occupational therapist employed by a school district, coach, school paraprofessional (pursuant to subsection (d) of the statute), or director or director's designee of a school readiness or before or after school program shall be liable to a student, or a parent or guardian of such student, for civil damages for any personal injuries which result from acts or omissions of a school nurse or other nurse, principal, teacher, licensed physical or occupational therapist employed by a school district, coach, school paraprofessional (pursuant to subsection (d) of the statute), or director or director's designee of a school readiness or before or after school program in administering such preparations which may constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence.~~

A. 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.

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 or After School Program means any child care program operated and administered by a local or regional board of education 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. Such programs do not include public or private entities licensed by the Office of Early Childhood or board of education enhancement programs and extra-curricular activities.

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 reactions.

Coach means any person holding a coaching permit who is hired by a local or regional board of education to coach for a sport season.

Controlled drugs means those drugs as defined in Conn. Gen. Stat. Section 21a-240.

Cumulative health record means the cumulative health record of a pupil mandated by Conn. Gen. Stat. Section 10-206.

Director means the person responsible for the day-to-day operations 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;
 - (f) administer the medication according to generally accepted standards of practice;
- or

(2) the administration of medication to a student which is not ordered, or which is not authorized in writing by the parent or guardian of such student, except for the administration of epinephrine or naloxone for the purpose of emergency first aid as set forth in Sections D and E below.

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 that 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, both prescription and non-prescription, including controlled drugs, as defined in Conn. Gen. Stat. 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 authorization 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, Conn. Gen. Stat.

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 of 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.

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.

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 nurse means a nurse appointed in accordance with Conn. Gen. Stat. 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 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.

Teacher means a person employed full time by the Board who has met the minimum standards as established by the 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-1 through 10-212a-7.

B. General Policies on Administration of Medications

(1) Except as provided below in Section D, no medication, including non-prescription drugs, may be administered by any school personnel without:

- (a) the written medication order of an authorized prescriber;
 - (b) the written authorization of the student's parent or guardian or eligible student; and
 - (c) the written permission of a parent for the exchange of information between the prescriber and the school nurse necessary to ensure safe administration of such medication.
- (2) Prescribed medications shall be administered to and taken by only the person for whom the prescription has been written.
- (3) Except as provided in Section D, medications may be administered only by a licensed nurse or, in the absence of a licensed nurse, by:
 - (a) a full-time principal, a full-time teacher, or a full-time licensed physical or occupational therapist employed by the school district. A full-time principal, teacher, licensed physical or occupational therapist employed by the school district may administer oral, topical, intranasal or inhalant medications. Such individuals may administer injectable medications only to a student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death.
 - (b) students with chronic medical conditions who are able to possess, self-administer, or possess and self-administer medication, provided all of the following conditions are met:
 - (i) an authorized prescriber provides a written medication order, including the recommendation for possession, self-administration, or possession and self-administration;
 - (ii) there is a written authorization for possession, self-administration, or possession and self-administration from the student's parent or guardian or eligible student;
 - (iii) the school nurse has developed a plan for possession, self-administration, or possession and self-administration, and general supervision, and has documented the plan in the student's cumulative health record;
 - (iv) the school nurse has assessed the student's competency for self-administration and deemed it safe and appropriate, including that the student: is capable of identifying and selecting the appropriate medication by size, color, amount or other label identification; knows the frequency and time of day for which the medication is ordered; can identify the presenting symptoms that require medication; administers the medication appropriately; maintains safe control of the medication at all times; seeks adult supervision whenever warranted; and cooperates with the established medication plan;
 - (v) the principal, appropriate teachers, coaches and other appropriate school personnel are informed the student is possessing, self-administering, or possessing and self-administering prescribed medication;

- (vi) such medication is transported to school and maintained under the student's control in accordance with this policy; and
 - (vii) controlled drugs, as defined in this policy, may not be possessed or self-administered by students, except in extraordinary situations, such as international field trips, with approval of the school nurse supervisor and the school medical advisor in advance and development of an appropriate plan.
- (c) a student diagnosed with asthma who is able to self-administer medication shall be permitted to retain possession of an asthmatic inhaler at all times while attending school, in order to provide for prompt treatment to protect such child against serious harm or death, provided all of the following conditions are met:
- (i) an authorized prescriber provides a written order requiring the possession of an inhaler by the student at all times in order to provide for prompt treatment in order to protect the child against serious harm or death and authorizing the student's self-administration of medication, and such written order is provided to the school nurse;
 - (ii) there is a written authorization from the student's parent or guardian regarding the possession of an inhaler by the student at all times in order to protect the child against serious harm or death and authorizing the student's self-administration of medication, and such written authorization is provided to the school nurse;
 - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer an inhaler for asthma in the school setting shall not be used to prevent a student from retaining and self-administering an inhaler for asthma. Students may self-administer medication with only the written authorization of an authorized prescriber and written authorization from the student's parent or guardian or eligible student; and
 - (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.
- (d) a student diagnosed with an allergic condition who is able to self-administer medication shall be permitted to retain possession of a cartridge injector at all times while attending school, in order to provide for prompt treatment to protect such child against serious harm or death, provided all of the following conditions are met:
- (i) an authorized prescriber provides a written order requiring the possession of a cartridge injector by the student at all times in order to provide for prompt treatment in order to protect the child against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written order is provided to the school nurse;

- (ii) there is a written authorization from the student's parent or guardian regarding the possession of a cartridge injector by the student at all times in order to protect the child against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written authorization is provided to the school nurse;
 - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer cartridge injectors for medically-diagnosed allergies in the school setting shall not be used to prevent a student from retaining and self-administering a cartridge injector for medically-diagnosed allergies. Students may self-administer medication with only the written authorization of an authorized prescriber and written authorization from the student's parent or guardian or eligible student; and
 - (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.
- (e) a student with a medically diagnosed life-threatening allergic condition may possess, self-administer, or possess and self-administer medication, including but not limited to medication administered with a cartridge injector, to protect the student against serious harm or death, provided the following conditions are met:
 - (i) the parent or guardian of the student has provided written authorization for the student to possess, self-administer, or possess and self-administer such medication; and
 - (ii) a qualified medical professional has provided a written order for the possession, self-administration, or possession and self-administration.
- (f) a coach of intramural or interscholastic athletic events or licensed athletic trainer who has been trained in the administration of medication, during intramural or interscholastic athletic events, may administer inhalant medications prescribed to treat respiratory conditions and/or medication administered with a cartridge injector for students with medically diagnosed allergic conditions which may require prompt treatment to protect the student against serious harm or death, provided all of the following conditions are met:
 - (i) the school nurse has determined that a self-administration plan is not viable;
 - (ii) the school nurse has provided to the coach a copy of the authorized prescriber's order and parental permission form;
 - (iii) the parent/guardian has provided the coach or licensed athletic trainer with the medication in accordance with Section K of this policy, and such medication is separate from the medication stored in the school health office for use during the school day; and

- (iv) the coach or licensed athletic trainer agrees to the administration of emergency medication and implements the emergency care plan, identified in Section H of this policy, when appropriate.

- (g) an identified school paraprofessional who has been trained in the administration of medication, provided medication is administered only to a specific student in order to protect that student from harm or death due to a medically diagnosed allergic condition, except as provided in Section D below, and the following additional conditions are met:
 - (i) there is written authorization from the student's parents/guardian to administer the medication in school;

 - (ii) medication is administered pursuant to the written order of (A) a physician licensed under chapter 370 of the Connecticut General Statutes, (B) an optometrist licensed to practice optometry under chapter 380 of the Connecticut General Statutes, (C) an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a of the Connecticut General Statutes, or (D) a physician assistant licensed to prescribe in accordance with section 20-12d of the Connecticut General Statutes;

 - (iii) medication is administered only with approval by the school nurse and school medical advisor, if any, in conjunction with the school nurse supervisor and under the supervision of the school nurse;

 - (iv) the medication to be administered is limited to medications necessary for prompt treatment of an allergic reaction, including, but not limited to, a cartridge injector; and

 - (v) the paraprofessional shall have received proper training and supervision from the school nurse in accordance with this policy and state regulations.

- (h) a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional, provided medication is antiepileptic medication, including by rectal syringe, administered only to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan, and the following additional conditions are met:
 - (i) there is written authorization from the student's parents/guardians to administer the medication;

 - (ii) a written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;

 - (iii) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school

paraprofessional is selected by the school nurse and school medical advisor, if any, and voluntarily agrees to administer the medication;

(iv) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional annually completes the training program established by the Connecticut State Department of Education and the Association of School Nurses of Connecticut, and the school nurse and medical advisor, if any, have attested, in writing, that such training has been completed; and

(v) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional receives monthly reviews by the school nurse to confirm competency to administer antiepileptic medication.

(i) a director of a school readiness program or a before or after school program, or the director's designee, provided that the medication is administered:

(i) only to a child enrolled in such program; and

(ii) in accordance with Section L of this policy.

(j) a licensed practical nurse, after the school nurse has established the medication plan, provided that the licensed practical nurse may not train or delegate the administration of medication to another individual, and provided that the licensed practical nurse can demonstrate one of the following:

(i) training in administration of medications as part of their basic nursing program;

(ii) successful completion of a pharmacology course and subsequent supervised experience; or

(iii) supervised experience in the administration of medication while employed in a health care facility.

(4) Medications may also be administered by a parent or guardian to his/her own child on school grounds.

(5) Investigational drugs or research or study medications may be administered only by a licensed nurse. For FDA-approved medications being administered according to a 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.

C. Diabetic Students

(1) The Board of Education (the "Board") permits blood glucose testing by students who have a written order from a physician or an advanced practice registered nurse stating the need and capability of such student to conduct self-testing.

- (2) The Board will not restrict the time or location of blood glucose testing by a student with diabetes on school grounds who has written authorization from a parent or guardian and a written order from a physician or an advanced practice registered nurse stating that such child is capable of conducting self-testing on school grounds.
- (3) In the absence or unavailability of the school nurse, select school employees may administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death, under the following conditions:
 - (a) The student's parent or guardian has provided written authorization;
 - (b) A written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;
 - (c) The school employee is selected by either the school nurse or principal and is a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional;
 - (d) The school nurse shall provide general supervision to the selected school employee;
 - (e) The selected school employee annually completes any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon;
 - (f) The school nurse and school medical advisor have attested in writing that selected school employee completed the required training; and
 - (g) The selected school employee voluntarily agrees to serve as one who may administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death.

D. Epinephrine for Purposes of Emergency First Aid Without Prior Authorization

- (1) For purposes of this Section D, "regular school hours" means the posted hours during which students are required to be in attendance at the individual school on any given day.
- (2) The school nurse shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions and do not have prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine.
 - (a) The school nurse, in consultation with the school nurse supervisor, shall determine the supply of epinephrine in cartridge injectors that shall be available in the individual school.
 - (b) In determining the appropriate supply of epinephrine in cartridge injectors, the nurse may consider, among other things, the number of students regularly in the

school building during the regular school day and the size of the physical building.

- (3) The school nurse or school principal shall select principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or school paraprofessional(s) to maintain and administer the epinephrine in cartridge injectors for the purpose of emergency first aid as described in Paragraph (2) above, in the absence of the school nurse.
 - (a) More than one individual must be selected by the school nurse or school principal for such maintenance and administration in the absence of the school nurse.
 - (b) The selected personnel, before conducting such administration, must annually complete the training made available by the Department of Education for the administration of epinephrine in cartridge injectors for the purpose of emergency first aid.
 - (c) The selected personnel must voluntarily agree to complete the training and administer epinephrine in cartridge injectors for the purpose of emergency first aid.
- (4) Either the school nurse or, in the absence of the school nurse, at least one of the selected and trained personnel as described in Paragraph (3) above shall be on the grounds of each school during regular school hours.
 - (a) The school principal, in consultation with the school nurse supervisor, shall determine the level of nursing services and number of selected and trained personnel necessary to ensure that a nurse or selected and trained personnel is present on the grounds of each school during regular school hours.
 - (b) If the school nurse, or a substitute school nurse, is absent or must leave school grounds during regular school hours, the school nurse, school administrator or designee shall send an email to all staff indicating that the selected and trained personnel identified in Paragraph (3) above shall be responsible for the emergency administration of epinephrine.
- (5) The administration of epinephrine pursuant to this section must be done in accordance with this policy, including but not limited to the requirements for documentation and record keeping, errors in medication, emergency medical procedures, and the handling, storage and disposal of medication, and the Regulations adopted by the Department of Education.
- (6) The parent or guardian of any student may submit, in writing, to the school nurse or school medical advisor, if any, that epinephrine shall not be administered to such student pursuant to this section.
 - (a) The school nurse shall notify selected and trained personnel of the students whose parents or guardians have refused emergency administration of epinephrine.

- (b) The Board shall annually notify parents or guardians of the need to provide such written notice.
- (7) Following the emergency administration of epinephrine by selected and trained personnel as identified in this section:
 - (a) Such emergency administration shall be reported immediately to:
 - (i) The school nurse or school medical advisor, if any, by the personnel who administered the epinephrine; and
 - (ii) The student's parent or guardian, by the school nurse or personnel who administered the epinephrine.
 - (b) A medication administration record shall be:
 - (i) Submitted to the school nurse by the personnel who administered the epinephrine as soon as possible, but no later than the next school day; and
 - (ii) filed in or summarized on the student's cumulative health record, in accordance with Section E of this policy.

E. Naloxone for Purposes of Emergency First Aid

- (1) Pursuant to a standing order of the Board's medical advisor and authorization from the Superintendent of Schools, and in accordance with Connecticut law and this policy, a school nurse may maintain naloxone, for the purpose of administering emergency first aid to students who experience a known or suspected opioid overdose.
 - (a) The school nurse, in consultation with the Board's medical advisor, shall determine the supply of naloxone that shall be maintained in the individual school.
 - (b) The school nurse shall be responsible for the safe storage of naloxone maintained in a school and shall ensure any supply of naloxone maintained is stored in accordance with the manufacturer's instructions.
 - (c) The school nurse shall be responsible for maintaining an inventory of naloxone maintained in the school, tracking the date(s) of expiration of the supply of naloxone maintained in a school, and, as appropriate, refreshing the supply of naloxone maintained in the school.
- (2) The school nurse, in consultation with the Superintendent and the building principal, shall provide notice to parents and guardians of the Board's policies and procedures regarding the emergency administration of naloxone in the event of a known or suspected opioid overdose.
- (3) A school nurse shall be approved to administer naloxone for the purpose of emergency first aid, as described in Paragraph (1) above, in the event of a known or suspected opioid overdose, provided that such nurse has completed appropriate training, as identified by

the Board's medical advisor, which shall include training in the identification of opioid abuse and overdose.

- (3) The administration of naloxone pursuant to this section must be effected in accordance with this policy and procedures regarding the acquisition, maintenance, and administration established by the Superintendent in consultation with the Board's medical advisor.
- (4) Following the emergency administration of naloxone by a school nurse:
 - (a) Such emergency administration shall be reported immediately to:
 - (i) The Board medical advisor; and
 - (ii) The Superintendent; and
 - (iii) The student's parent or guardian.
 - (b) A medication administration record shall be:
 - (i) Maintained by the school nurse who administered the naloxone as soon as possible, but no later than the next school day; and
 - (ii) filed in or summarized on the student's cumulative health record, in accordance with Section F of this policy.

F. Documentation and Record Keeping

- (1) Each school or before-and-after school program and school readiness program where medications are administered shall maintain an individual medication administration record for each student who receives medication during school or program hours. This record shall include the following information:
 - (a) the name of the student;
 - (b) the student's state-assigned student identifier (SASID);
 - (c) the name of the medication;
 - (d) the dosage of the medication;
 - (e) the route of the administration,
(i.e. oral, topical, inhalant, etc.);
 - (f) the frequency of administration;
 - (g) the name of the authorized prescriber;
 - (h) the dates for initiating and terminating the administration of medication,
including extended-year programs;
 - (i) the quantity received at school and verification by the adult delivering the
medication of the quantity received;
 - (j) the date the medication is to be reordered (if any);
 - (k) any student allergies to food and/or medication(s);
 - (l) the date and time of each administration or omission, including the reason for any
omission;
 - (m) the dose or amount of each medication administered;

- (n) the full written or electronic legal signature of the nurse or other authorized school personnel administering the medication; and
 - (o) for controlled medications, a medication count which should be conducted and documented at least once a week and co-signed by the assigned nurse and a witness.
- (2) All records are either to be made in ink and shall not be altered, or recorded electronically in a record that cannot be altered.
- (3) Written orders of authorized prescribers, written authorizations of parent or guardian, the written parental permission for the exchange of information by the prescriber and school nurse to ensure safe administration of such medication, and the completed medication administration record for each student shall be filed in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.
- (4) Authorized prescribers may make verbal orders, including telephone orders, for a change in medication order. Such verbal orders may be received only by a school nurse and must be followed by a written order, which may be faxed, and must be received within three (3) school days.
- (5) Medication administration records will be made available to the Department of Education for review until destroyed pursuant to Section 11-8a and Section 10-212a(b) of the Connecticut General Statutes.
 - (a) The completed medication administration record for non-controlled medications may, at the discretion of the school district, be destroyed in accordance with Section M8 of the Connecticut Record Retention Schedules for Municipalities, so long as it is superseded by a summary on the student health record.
 - (b) The completed medication administration record for controlled medications shall be maintained in the same manner as the non-controlled medications. In addition, a separate medication administration record needs to be maintained in the school for three (3) years pursuant to Section 10-212a(b) of the Connecticut General Statutes.
- (6) Documentation of any administration of medication by a coach or licensed athletic trainer shall be completed on forms provided by the school and the following procedures shall be followed:
 - (a) a medication administration record for each student shall be maintained in the athletic offices;
 - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
 - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and

(d) the administration of medication record must be submitted to the school nurse at the end of each sport season and filed in the student's cumulative health record.

G. Errors In Medication Administration

(1) Whenever any error in medication administration occurs, the following procedures shall apply:

(a) the person making the error in medication administration shall immediately implement the medication emergency procedures in this Policy if necessary;

(b) the person making the error in medication administration shall in all cases immediately notify the school nurse, principal, school nurse supervisor, and authorized prescriber. The person making the error, in conjunction with the principal, shall also immediately notify the parent or guardian, advising of the nature of the error and all steps taken or being taken to rectify the error, including contact with the authorized prescriber and/or any other medical action(s); and

(c) the principal shall notify the Superintendent or the Superintendent's designee.

(2) The school nurse, along with the person making the error, shall complete a report using the authorized medication error report form. The report shall include any corrective action taken.

(3) Any error in the administration of medication shall be documented in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.

(4) These same procedures shall apply to coaches and licensed athletic trainers during intramural and interscholastic events, except that if the school nurse is not available, a report must be submitted by the coach or licensed athletic trainer to the school nurse the next school day.

H. Medication Emergency Procedures

(1) Whenever a student has a life-threatening reaction to administration of a medication, resolution of the reaction to protect the student's health and safety shall be the foremost priority. The school nurse and the authorized prescriber shall be notified immediately, or as soon as possible in light of any emergency medical care that must be given to the student.

(2) Emergency medical care to resolve a medication emergency includes but is not limited to the following, as appropriate under the circumstances:

(a) use of the 911 emergency response system;

(b) application by properly trained and/or certified personnel of appropriate emergency medical care techniques, such as cardio-pulmonary resuscitation;

(c) administration of emergency medication in accordance with this policy;

(d) contact with a poison control center; and

(e) transporting the student to the nearest available emergency medical care facility that is capable of responding to a medication emergency.

- (3) As soon as possible, in light of the circumstances, the principal shall be notified of the medication emergency. The principal shall immediately thereafter contact the Superintendent or the Superintendent's designee, who shall thereafter notify the parent or guardian, advising of the existence and nature of the medication emergency and all steps taken or being taken to resolve the emergency and protect the health and safety of the student, including contact with the authorized prescriber and/or any other medical action(s) that are being or have been taken.

I. Supervision

- (1) The school nurse is responsible for general supervision of administration of medications in the school(s) to which that nurse is assigned.
- (2) The school nurse's duty of general supervision includes, but is not limited to, the following:
- (a) availability on a regularly scheduled basis to:
- (i) review orders or changes in orders and communicate these to personnel designated to give medication for appropriate follow-up;
- (ii) set up a plan and schedule to ensure medications are given properly;
- (iii) provide training to licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and interscholastic athletics, licensed athletic trainers and identified paraprofessionals designated in accordance with Section B(3)(g), above, which training shall pertain to the administration of medications to students, and assess the competency of these individuals to administer medication;
- (iv) support and assist other licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics, licensed athletic trainers and identified paraprofessionals designated in accordance with Section B(3)(g), above, to prepare for and implement their responsibilities related to the administration of specific medications during school hours and during intramural and interscholastic athletics as provided by this policy;
- (v) provide appropriate follow-up to ensure the administration of medication plan results in desired student outcomes, including providing proper notification to appropriate employees or contractors regarding the contents of such medical plans; and
- (vi) provide consultation by telephone or other means of telecommunications, which consultation may be provided by an authorized prescriber or other nurse in the absence of the school nurse.
- (b) In addition, the school nurse shall be responsible for:

- (i) implementing policies and procedures regarding the receipt, storage, and administration of medications;
- (ii) reviewing, on a periodic basis, all documentation pertaining to the administration of medications for students;
- (iii) performing observations of the competency of medication administration by full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, who have been newly trained to administer medications; and,
- (iv) conducting periodic reviews, as needed, with licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, regarding the needs of any student receiving medication.

J. Training of School Personnel

- (1) Full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, who are designated to administer medications shall at least annually receive training in their safe administration, and only trained full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, shall be allowed to administer medications.
- (2) Training for full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, shall include, but is not necessarily limited to, the following:
 - (a) the general principles of safe administration of medication;
 - (b) the procedures for administration of medications, including the safe handling and storage of medications, and the required record-keeping; and
 - (c) specific information related to each student's medication plan, including the name and generic name of the medication, indications for medication dosage, routes, time and frequency of administration, therapeutic effects of the

medication, potential side effects, overdose or missed doses of the medication, and when to implement emergency interventions.

- (3) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or school paraprofessional(s) who administer epinephrine as emergency first aid, pursuant to Section D above, shall annually complete the training program developed by the Departments of Education and Public Health and training in cardiopulmonary resuscitation and first aid.
- (4) The Board shall maintain documentation of medication administration training as follows:
 - (a) dates of general and student-specific trainings;
 - (b) content of the trainings;
 - (c) individuals who have successfully completed general and student-specific administration of medication training for the current school year; and
 - (d) names and credentials of the nurse or school medical advisor, if any, trainer or trainers.
- (5) Licensed practical nurses may not conduct training in the administration of medication to another individual.

K. Handling, Storage and Disposal of Medications

- (1) All medications, except those approved for transporting by students for self-medication, those administered by coaches of intramural or interscholastic athletics or licensed athletic trainers in accordance with Section B(3)(f) above, and epinephrine or naloxone to be used for emergency first aid in accordance with Sections D and E above, must be delivered by the parent, guardian, or other responsible adult to the nurse assigned to the student's school or, in the absence of such nurse, the school principal who has been trained in the appropriate administration of medication. Medications administered by coaches of intramural or interscholastic athletics or licensed athletic trainers must be delivered by the parent or guardian directly to the coach or licensed athletic trainer in accordance with Section B(3)(f) above.
- (2) The nurse shall examine on-site any new medication, medication order and the required authorization to administer form, and, except for epinephrine and naloxone to be used as emergency first aid in accordance with Sections D and E above, shall develop a medication administration plan for the student before any medication is given to the student by any school personnel. No medication shall be stored at a school without a current written order from an authorized prescriber.
- (3) The school nurse shall review all medication refills with the medication order and parent authorization prior to the administration of medication, except for epinephrine and naloxone intended for emergency first aid in accordance with Sections D and E above.
- (4) Emergency Medications

- (a) Except as otherwise determined by a student's emergency care plan, emergency medications shall be stored in an unlocked, clearly labeled and readily accessible cabinet or container in the health room during school hours under the general supervision of the school nurse or, in the absence of the school nurse, the principal or the principal's designee who has been trained in the administration of medication.
 - (b) Emergency medication shall be locked beyond the regular school day or program hours, except as otherwise determined by a student's emergency care plan.
- (5) All medications, except those approved for keeping by students for self-medication, shall be kept in a designated and locked location used exclusively for the storage of medication. Controlled substances shall be stored separately from other drugs and substances in a separate, secure, substantially constructed, locked metal or wood cabinet.
- (6) Access to stored medications shall be limited to persons authorized to administer medications. Each school or before-and-after school program and school readiness program shall maintain a current list of such authorized persons.
- (7) All medications, prescription and non-prescription, shall be delivered and stored in their original containers and in such a manner that renders them safe and effective.
- (8) At least two sets of keys for the medication containers or cabinets shall be maintained for each school building or before-and-after school program and school readiness program. One set of keys shall be maintained under the direct control of the school nurse or nurses and an additional set shall be under the direct control of the principal and, if necessary, the program director or lead teacher who has been trained in the general principles of the administration of medication shall also have a set of keys.
- (9) Medications that must be refrigerated shall be stored in a refrigerator at no less than 36 degrees Fahrenheit and no more than 46 degrees Fahrenheit. The refrigerator must be located in the health office that is maintained for health services with limited access. Non-controlled medications may be stored directly on the refrigerator shelf with no further protection needed. Controlled medication shall be stored in a locked box that is affixed to the refrigerator shelf.
- (10) All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian or, if the medication cannot be returned to the parent or guardian, the medication shall be destroyed in collaboration with the school nurse:
 - (a) non-controlled drugs shall be destroyed in the presence of at least one witness;
 - (b) controlled drugs shall be destroyed in pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies; and
 - (c) accidental destruction or loss of controlled drugs must be verified in the presence of a second person, including confirmation of the presence or absence of residue, and jointly documented on the student medication administration record and on a medication error form pursuant to Section 10-212a(b) of the Connecticut General Statutes. If no residue is present, notification must be made to the Department of

Consumer Protection pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies.

- (11) Medications to be administered by coaches of intramural or interscholastic athletic events or licensed athletic trainers shall be stored:
 - (a) in containers for the exclusive use of holding medications;
 - (b) in locations that preserve the integrity of the medication;
 - (c) under the general supervision of the coach or licensed athletic trainer trained in the administration of medication; and
 - (d) in a locked secured cabinet when not under the general supervision of the coach or licensed athletic trainer during intramural or interscholastic athletic events.
- (12) In no event shall a school store more than a three (3) month supply of a medication for a student.

L. School Readiness Programs and Before-and-After School Programs

- (1) As determined by the school medical advisor, if any, and school nurse supervisor, the following procedures shall apply to the administration of medication during school readiness programs and before-and-after school programs run by the Board, which are exempt from licensure by the Office of Early Childhood:
 - (a) Administration of medication at these programs shall be provided only when it is medically necessary for participants to access the program and maintain their health status while attending the program.
 - (b) Except as provided by Sections D and E above, no medication shall be administered in these programs without:
 - (i) the written order of an authorized prescriber; and
 - (ii) the written authorization of a parent or guardian or an eligible student.
 - (c) A school nurse shall provide consultation to the program director, lead teacher or school administrator who has been trained in the administration of medication regarding the safe administration of medication within these programs. The school medical advisor and school nurse supervisor shall determine whether, based on the population of the school readiness program and/or before-and-after school program, additional nursing services are required for these programs.
 - (d) Only school nurses, directors or directors' designees, 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. Properly trained directors or directors' designees, lead teachers or school administrators may administer oral, topical, intranasal or inhalant medications. Investigational drugs or research or study medications may not be administered in these programs.

- (e) Students attending these programs may be permitted to self-medicate only in accordance with the provisions of Section B(3) of this policy. In such a case, the school nurse must provide the program director, lead teacher or school administrator running the program with the medication order and parent permission for self-administration.
- (f) In the absence of the school nurse during program administration, the program director, lead teacher or school administrator is responsible for decision-making regarding medication administration.
- (g) Cartridge injector medications may be administered by a director, lead teacher or school administrator only to a student with a medically-diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.
- (2) Local poison control center information shall be readily available at these programs.
- (3) Procedures for medication emergencies or medication errors, as outlined in this policy, must be followed, except that in the event of a medication error a report must be submitted by the program director, lead teacher or school administrator to the school nurse the next school day.
- (4) Training for directors or directors' designees, lead teachers or school administrators in the administration of medication shall be provided in accordance with Section J of this policy.
- (5) All medications must be handled and stored in accordance with Section K of this policy. Where possible, a separate supply of medication shall be stored at the site of the before-and-after or school readiness program. In the event that it is not possible for the parent or guardian to provide a separate supply of medication, then a plan shall be in place to ensure the timely transfer of the medication from the school to the program and back on a daily basis.
- (6) Documentation of any administration of medication shall be completed on forms provided by the school and the following procedures shall be followed:

 - (a) a medication administration record for each student shall be maintained by the program;
 - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
 - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and
 - (d) the administration of medication record must be submitted to the school nurse at the end of each school year and filed in the student's cumulative health record.

(7) The procedures for the administration of medication at school readiness programs and before-and-after school programs shall be reviewed annually by the school medical advisor, if any, and school nurse supervisor.

M. Review and Revision of Policy

In accordance with the provisions of Conn. Gen. Stat. Section 10-212a(a)(2), the Board shall review this policy periodically, and at least biennially, with the advice and approval of the school medical advisor, if any, or other qualified licensed physician, and the school nurse supervisor. Any proposed revisions to the policy must be made with the advice and approval of the school medical advisor, school nurse supervisor or other qualified licensed physician.

Legal Reference: Connecticut General Statutes

Section 10-206
Section 10-212
Section 10-212a
Section 10-220j
Section 19a-900
~~Section 20-87a~~
Section 21a-240
~~Section 21a-262~~
Section 52-557b

Public Act 18-185, “An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools”

Regulations of Conn. State Agencies:

Sections 10-212a-1 through 10-212a-10, inclusive

~~Section 21a-254 (f) and (h)~~

~~Section 21a-262 1, 2, 3 and 8 and 9~~

~~Code of Federal Regulations:~~

~~Title 21 Part 1307.21~~

~~Other~~

~~American Academy of Pediatrics. (2009). *Policy Statement—Guidance for the Administration of Medication in School*. Author: Elk Grove Village, IL. Available online on September 29, 2010, at <http://aappolicy.aappublications.org/cgi/reprint/pediatrics;124/4/1244.pdf>~~

~~American Academy of Pediatrics, Committee on Bioethics. (2009). *Pediatrician-family patient relationships: Managing the boundaries*. *Pediatrics* 124:1685-1688. Available online September 29, 2010, at <http://www.pediatrics.org/cgi/content/full/124/6/1685>~~

~~American Academy of Pediatrics, Committee on School Health.. (2006). *School health: Policy and practice*, 6th ed. Author: Elk Grove Village, IL.~~

~~American Academy of Pediatrics and National Association of School Nurses. (2005). *Health, mental health, and safety guidelines for schools*. Authors: Elk Grove Village, IL.~~

~~American Medical Association. 1993. *Code of Medical Ethics*, Opinion 8.19—Self-Treatment or Treatment of Immediate Family Members. Available online September 29, 2010, at <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion819.shtml>~~

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~~Healthy Child Care Connecticut, Medication Administration Committee. (1999). *Medication administration training manual: an instructional program for teaching child care providers to give medications*. Transferred in 2004 to the CT Nurses Association, Meriden, CT~~

~~National Association of School Nurses. (2003) *Position statement: Medication administration in the school setting*. Available online September 29, 2010, at <http://www.nasn.org/Portals/0/positions/2003psmedication.pdf>~~

~~[Memorandum of Decision, In Re: Declaratory Ruling/Delegation by Licensed Nurses to Unlicensed Assistive Personnel, Connecticut State Board of Examiners for Nursing \(April 5, 1995\)](#)~~

POLICY ADOPTED: June 18, 1990
REVISED: May 10, 2011
REVISED: September 17, 2018
Revised:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Disclosure of Directory Information Regarding Students to Commercial, Military and College Recruiters and Others

~~It is the policy of the Board of Education that directory information regarding students enrolled in its schools is confidential and is not subject to public disclosure. The Board of Education will not make directory information regarding students in its schools available to any commercial, military or college recruiter who requests such information or to any non school related individual or group. For the purposes of this policy, directory information will include the student's name, address, telephone number and date and place of birth.~~

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

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

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

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

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

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

Public Notice

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

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

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the Principal by the parent/guardian, student of eighteen years of age or emancipated student with fifteen days of the annual public notice.
(cf. 5125 Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

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

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

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

~~Public Law 107-110, No Child Left Behind Act~~

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

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

Section 8528, ESEA, as amended by NCLB and ESSA

34 C.F.R. §99.3

34 C.F.R. §99.31(11)

Policy adopted: November 19, 1984
[Amended:](#)

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Non-Discrimination

The Board of Education is committed to a workplace free of harassment and discrimination. 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, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, 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, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, 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, alienage, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

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.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5145.41 and are available online at <http://www.westportps.org/district/policies> or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #5145.5, Students/Sex Discrimination and Harassment; Policy #5145, Section 504/ADA).

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

Office of the Superintendent, 203-341-1025

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Title IX Coordinator:

Director of Human Resources and General Administration, 203-341-1023

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of disability may contact the Board’s Section 504/ADA Coordinator:

~~Director of~~ Assistant Superintendent of Pupil Personnel Services, 203-341-1250

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.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.
Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
Connecticut General Statutes § 46a-58. Deprivation of Rights
~~Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans,
Leaves of Absence for National Guard Members, Application for Certain
Medicaid Programs, and Disclosure of Certain Records to Federal Military
Law Enforcement.~~

ADOPTED: January 22, 2018
[Amended:](#)

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Personnel – Certified and Non Certified Students

Use of Face Masks in School

The Westport 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 Westport 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. 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).

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Students

PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF EXCLUSIONARY TIME OUT

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 and 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 also regulates the use of exclusionary time out in accordance with this Policy and accompanying regulations and applicable law.

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. Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

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. § 10-236b
 Conn. Gen. Stat. §§ 53a-18 to 53a-22
 Reg. Conn. State Agencies. §§ 10-76b-5 to 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).

Policy adopted: November 5, 2018

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Attendance, Truancy, and Chronic Absenteeism

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References: Connecticut General Statutes §10-220

Connecticut General Statutes §10-184

Connecticut General Statutes §10-186

Connecticut General Statutes §10-198a’

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

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

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

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

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut’s Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education, *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

[Connecticut State Department of Education, *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Addendum 14: Supporting Student Attendance and Engagement During Hybrid or Remote Learning* \(September 21, 2020\), available at https://portal.ct.gov/-/media/SDE/COVID-19/Addendum-14-Supporting-Student-Attendance.pdf](https://portal.ct.gov/-/media/SDE/COVID-19/Addendum-14-Supporting-Student-Attendance-and-Engagement-During-Hybrid-or-Remote-Learning.pdf)

WESTPORT PUBLIC SCHOOLS
ELECTRONICALLY STORED DATA

1. Scope

Excluding section 5 ("Procedure for Legislative Hold"), this Regulation applies only to electronically stored data of the Westport Public Schools held at the district's discretion. It explicitly excludes public records and official record copies with retention schedules mandated by various State and Federal laws including, but not limited to, the following:

20 USC §1232(g)

34 CFR §99

34 CFR §300.573(a)

Connecticut State Library Municipal Records Retention Schedule M8: Education Records

All data, both paper and electronically stored, are subject to the same legislative hold procedures as outlined in section 5 of this data policy.

2. Definitions

Data - Any electronically-stored information, including but not limited to:

- Documents
- Emails
- Folders
- Web pages
- Instant messaging
- Video files
- Audio Files
- Pictures
- Databases
- Voicemails

Deleted - When data is deleted, it is marked as 'deleted' and removed from the end user's view. In some cases deleted items can be 'undeleted' at the system administrator's discretion. In Windows, deleting a file is akin to moving it to the 'Recycle Bin'.

Destroyed - Electronic data that is destroyed cannot be undeleted and may only be retrieved by data recovery and/or computer forensic techniques. Data that has been destroyed has no guarantee of being recovered.

Retention - The storage of data in a separate location in its original form. The retained data can only be accessed by Technology Department administrators and is held according to its respective data retention schedule.

3. Data Types and Deletion Schedule

Email (Google Apps for Education):

- Includes emails and related attachments
- No automatic deletion
- Deleted items destroyed after 30 days

Instant Messaging

- Google Apps for Education:

Instant messaging sessions within Google Apps, referred to as Chat or Talk, are not recorded

- Public IM Applications (e.g., Skype, AIM):

Public instant messaging sessions are also not recorded

Home Directories

- Students:

Data deleted at user's discretion

Data destroyed upon graduation in accordance with data retention policy

No automatic deletion

- Staff Members:

Data deleted at user's discretion

Data destroyed upon employee exit in accordance with data retention policy

No automatic deletion

Dropboxes (shared network-accessible folders):

- Data deleted at user's discretion
- Data retained at staff member's discretion. In the event of a staff member leaving the District, the contents of their dropbox(es) are transferred to another staff member.
- No automatic deletion

Web-based Storage (Google Drive)

- Data deleted at user's discretion
- No automatic deletion

Web Pages

- Internal Web Pages - Web pages which are hosted within the District:

Students:

Data deleted at user's discretion

Data destroyed upon graduation in accordance with data retention policy

Staff Members:

Data deleted at user's discretion

Data destroyed upon employee exit in accordance with data retention policy

- External Web Pages - Pages which are administered by District students and staff but are hosted externally, including but not limited to:

All top-level District websites (e.g., www.westport.k12.ct.us),

Various Staples High School websites, including but not limited to athletics, the internship program, and the school newspaper

Schoology, the District's learning management system, used by the PTA and others for communication

Google Sites, the website creation component of Google Apps for Education

In all of the above cases:

Data deleted at user's discretion

Data destruction is wholly determined by each vendor/hosting company, and not by the District

- Voicemails

Data deleted at user's discretion

Deleted voicemails are destroyed after 7 days

1. Data Retention Schedule

In-house Administrative Data

- Includes eSchoolPlus, Nutrikids, Trapeze, and other administrative applications

- 4 weeks of retention, with automatic data destruction after retention period expiry

Out-sourced Administrative Data

- Includes Pentamation (Finance, Payroll), Applitrack (HR Software), and Frontline Education (Absence Management)
- Pentamation data retained indefinitely by vendor (SunGard)
- Data retention for other applications is wholly determined by each vendor/hosting company, and not by the District

In-house Instructional Data

- Includes home directories, dropboxes, web pages
- 4 weeks of retention, with automatic data destruction after retention period expiry

Out-sourced Instructional Data

- Includes curriculum-related programs (e.g., IXL, Read Naturally), Schoology, hosted websites
- Data retention is wholly determined by each vendor/hosting company, and not by the District

Email

- 5 years of retention in email archive, with automatic data destruction after retention period expiry

Web-based Storage

- 25 days of retention in Google Vault, with automatic data destruction after retention period expiry.

2. Procedure for Legislative Hold

Distribute letter to all staff outlining their responsibility to report suspected litigation to one of the legal representatives of the District (Superintendent or Director of Human Resources)

Immediate notification of the Technology Department via phone or email by a staff member in the Superintendent or Human Resources Office, followed by written notification from the District legal representative. The notification should include:

- The names of all persons of interest in the pending litigation
- The date ranges the litigative action is associated with

Immediate notification of the persons of interest via phone or email by a staff member in the Superintendent's or Business Office, followed by written notification from the District legal representative. The notification should include:

- The date ranges the litigative action is associated with

Working with the District legal representative, District counsel will endeavor to confirm with opposing council the identities of persons of interest. It will be the responsibility of the District legal representative to notify the Technology Department and persons of interest of any change in status with respect to the legislative hold.

Upon notification, the Technology Department will:

- Suspend the automatic deletion of data for the person(s) named
- Make a separate copy of each person of interest's data the day the litigation hold goes into effect
- Retain that data on a forward basis irrespective of the District data retention schedule

Upon notification, persons of interest will:

- Retain all paper and electronically stored data extant at the time of the litigation hold and all newly created data going forward
- No longer delete data (paper or electronically stored)

When the litigation action is resolved, written notification to lift the legislative hold will be sent to the Technology Department and to all persons of interest by the District legal representative, after which data stored under the litigation hold will be deleted, and persons of interest may regain their ability to delete appropriate data at their discretion.

Regulation Approved: May 29, 2015

Administration

POLICY REGARDING RETENTION OF ELECTRONIC RECORDS AND INFORMATION

I. POLICY

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

II. USE OF E-MAIL AND ELECTRONIC COMMUNICATIONS

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

Electronic messages sent by school officials and employees as part of their work and/or by using the district’s computer systems and/or network are not private communications and are potentially subject to disclosure. Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and may do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District’s computer systems, including any incidental personal use permitted in accordance with the Board’s policy and regulations regarding computer use by employees.

Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind

that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval. Consequently, employees should use discretion when using computers or other electronic technology to send, record or retain electronic communications and information.

III. RETENTION OF ELECTRONICALLY STORED INFORMATION

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

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

Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. § 7-109

Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2, and 2009-2 of the Public Records Administrator

Public Records Policy 01, *Digital Imaging*, of the Public Records Administrator (Aug. 2014)

Record Retention Schedules Towns, Municipalities and Boards of Education

Frequently Asked Questions about E-mail, CT Public Records Administrator, *available at* <https://ctstatelibrary.org/wpcontent/uploads/2015/05/EmailGuidelines.pdf>.

POLICY ADOPTED:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

**Series 5000
Students**

DRUG AND ALCOHOL USE BY STUDENTS

Policy Statement

The Board is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in C.G.S. Section 21a-240, or alcohol on or off school property or during any school sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).
- (3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).
- (4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a

registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

- (5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, 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 all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine 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. C.G.S. Section 21a-240(20)(A).

Procedures

- (1) Emergencies.

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

- (2) Prescribed Medications.

Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school.

Students taking improper amounts of a prescribed medication, or otherwise taking medication contrary to the provisions of the Board's policy on the administration of medication will be subject to the procedures for improper drug or alcohol use outlined in this policy.

- (3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

- (b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).
 - (c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
 - (d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.
- (4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student *from a source other than the student's confidential disclosure*, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained through a

professional communication, the name of the student must be disclosed to the building administrator or designee.

- (c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

- (a) Any student in the [] Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.
- (b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.
- (c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by 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. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with the Board's student discipline policy.

- (d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.
- (f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

Public Act 18-185, An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools

Section 10-154a
Section 10-212a
Section 10-221

Sections 10-233a through 10-233f
Section 21a-240
Section 21a-243
Section 21a-408a through 408q

ADOPTED: _____
REVISED: _____

07/30/18



Students

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

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

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

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

Definitions

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

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

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

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



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

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

Privacy Rights

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

Illegal Activities

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

Notification of Policy

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

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

1. the unlawful manufacture, distribution, sale, dispensing, possession or use of controlled substances, other illegal drugs, performance-enhancing substances, alcohol or tobacco, including electronic nicotine delivery systems and vapor products, is prohibited in school, on school grounds, on school transportation and at school sponsored activities;
2. compliance with the standards of conduct stated in the handbook is mandatory;



3. a violation of its provisions will subject students to disciplinary action up to and including expulsion and referral for prosecution: and
4. CIAC controlled activities at the high school and middle school levels sponsored by the District/school are included in this policy and accompanying administrative regulations.
5. CIAC may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes.

Disciplinary Action

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

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

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

Drug-Free Awareness Program

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

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



- official penalties for drug abuse violations in schools.

Drugs and Alcohol

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

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

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

Inhalant Abuse

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

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

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



Nitrous Oxide - Laughing Gas, Whippets, CO₂ Cartridge

Amyl Nitrite - "Locker Room," "Rush," "Poppers," "Snappers"

Butyl Nitrite - "Bullet," "Climax"

Chlorohydrocarbons - Aerosol Paint Cans, Cleaning Fluids

Hydrocarbons - Aerosol Propellants, Gasoline, Glue, Butane

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

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

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

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

Performance-Enhancing Drugs (including food supplement)

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

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

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

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



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

Tobacco/E-Cigarette Use by Students

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

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

Alternate language to consider: For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including but is not limited to, cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products. In order to protect students and staff, the Board prohibits the use of tobacco or nicotine-based products in school buildings, on school grounds, in school vehicles, or at any school-related event.

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

Medical Marijuana

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

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

A student medical marijuana certificate holder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending District schools. A student medical marijuana certificate holder shall not:



- Undertake any task under the influence of marijuana that would constitute negligence;
- Possess or engage in the medical use of marijuana
- On a school bus,
- On the grounds of any preschool, elementary or secondary school,
- Utilize marijuana on any form of public transportation or in any public place.
- Operate, navigate, or be in actual physical control of any motor vehicle while under the influence of marijuana, except that a qualifying certified marijuana user for medical purposes shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- Use marijuana in any manner not authorized by P.A. 12-55 as amended by P.A. 16-23; or
- Offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative of the school.

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

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

Alternate language to consider: Although possession and use of marijuana for certain medical conditions, consistent with Connecticut's P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana," as amended by P.A. 16-23, is no longer a crime in Connecticut, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug-Free Schools and Communities Act, the use and or possession of marijuana continues to be prohibited while a student is on a school bus, at school, on school grounds or at a school-sponsored activity. The District will continue to enforce its policies regarding controlled substances and any students who violate District policy prohibiting the use, sale or possession of illegal drugs in District facilities and school property will be subject to disciplinary and criminal action.

(cf. [5114](#) - Suspension/Expulsion)

(cf. [5131](#) - Conduct)

(cf. 5131.61 - Inhalant Abuse)

(cf. [5131.62](#) - Steroid Use)



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

(cf. [5131.8](#) - Out of School Grounds Misconduct)

(cf. 5131.92 - Corporal Punishment)

(cf. 5144 - Discipline/Punishment)

(cf. [5145.12](#) - Search and Seizure)

(cf. [5145.121](#) - Vehicle Searches on School Grounds)

(cf. [5145.122](#) - Use of Dogs to Search School Property)

(cf. 5145.124 - Breathalyzer Testing)

(cf. 5145.125 - Drug Testing-Extracurricular Activities)

(cf. [6164.11](#) - Drugs, Alcohol, Tobacco)

Legal Reference: Connecticut General Statutes

[1-21b](#) Smoking prohibited in certain places.

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

[10-154a](#) Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.

[10-220b](#) Policy statement on drugs.

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

[21a-240](#) Definitions dependency producing drugs.

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

[21a-240\(9\)](#) Definitions "controlled substance."

[21a-243](#) Regulation re schedules of controlled substances.

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



[53-198](#) Smoking in motor buses, railroad cars and school buses.

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

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

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

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

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

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

PL 114-95 Every Student Succeeds Act, Section 8573

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

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

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

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