

**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 Orders No. 7B and 9H, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportct.gov and shown on Optimum Government Access Channel 79 and Frontier Channel 6020. 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/site\\_files/www/boe/Procedures\\_and\\_Guidelines\\_for\\_Public\\_Participation\\_in\\_Remote\\_Board\\_Meetings.pdf](https://www.westportps.org/uploaded/site_files/www/boe/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 and 9H

**DISCUSSION/ACTION:**

1. Minutes: December 2 and 16, 2020, *pages 1-3*

**DISCUSSION:**

1. Continued Discussion of:
  - Policy 6162.51, "Surveys of Students/Student Privacy" (Revision), *pages 4-11*
  - Policy 4111.3, "Plan for Minority Staff Recruitment" (Revision), *pages 12-14*
  - Policy 5118.3 "Education Stability Procedures for Transportation Coordination with the Department of Children and Families" (New), *pages 15-32*
  - Policy 5141.3, "Immunizations" (Review), *pages 33-35*
2. First Reading of the Following:
  - Automatic External Defibrillators (New), *page 36*
  - Policy 5131.7, "Deadly Weapons or Firearms" (Revision), *pages 37-44*
  - Policy 3524.1, "Pesticide Application on School Property" (Policy Needed for Regulation), *pages 45-51*
  - Pool Safety Plan (New), *pages 52-54*
  - Policy 3516, "Security and Safety Plan" (New), *pages 55-59*
  - Policy 3516.5, "Sexual Offenders on School Property" (New), *pages 60-62*
3. Second Reading of the Following:
  - Policy 1230, "Booster Clubs" (New), *pages 63-65*
  - Policy 5145.12, "Search and Seizure" (Revision), *pages 66-69*
  - Policy 4118.55, "Social Media" (Revision and Number Change to 4118.51), *pages 70-71*
  - Policy 3453, "School Activity Funds" (Revision), *page 72*

#### 4. Any Other Policy Matters

### ADJOURNMENT

The meeting can also be viewed on Cablevision on channel 79; Frontier channel 6020, and by video stream @[www.westportct.gov](http://www.westportct.gov)

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](mailto: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  
Lee Goldstein

**Administrators Present**

John Bayers      Director of Human Resources  
Christine Wanner      Coordinator of Health and Physical Education  
(departed 8:38 am)

**PUBLIC SESSION/CALL TO ORDER:** 8:00 a.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

**MINUTES:** Karen Kleine moved to approve the minutes of November 2, 2020; seconded by Lee Goldstein. (2-0-0).

**DISCUSSION**

1. Continued Discussion of Policy 6162.51, "Surveys of Students/Student Privacy" (Revision)

2. First Reading of the Following:

- Policy 6141.321, "Acceptable Use" (Revision)
- Policy 1230, "Booster Clubs" (New)
- Policy 5145.12, "Search and Seizure" (Revision)
- Policy 4118.55, "Social Media" (Revision and Number Change to 4118.51)
- Policy 3453, "School Activity Funds" (Revision)

3. Second Reading of the Following:

- Policy 1331, "Smoke Free Environment" (Revision)
- 5000-series "Education Stability Procedures for Transportation Coordination with the Department of Children and Families" (New)
- Policy 5141.4, "Child Sex Abuse and Assault Response Policy and Reporting" (New)
- Policy 5141.3, "Immunizations" (Review)

The following policies will be moved to the full Board for discussion:

- Policy 1331, "Smoke Free Environment"
- Policy 5141.4, "Child Sex Abuse and Assault Response Policy and Reporting"

**ADJOURNMENT**

Meeting adjourned at 9:45 a.m.

Respectfully submitted,  
Jennifer Caputo

**Meeting: December 16, 2020**

**Via Zoom and Googledoc**

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

**Committee Members Present:**

Karen Kleine     Committee Chair  
Lee Goldstein

**PUBLIC SESSION/CALL TO ORDER:** 8:02 a.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

**DISCUSSION**

Review of CAFE Audit, CAFE Policy Highlights and Updates, and Shipman & Goodwin model policies for planning future policy work

**ADJOURNMENT**

Meeting adjourned at 9:04 a.m.

Respectfully submitted,  
Jennifer Caputo

## Instruction

### Survey of Students/Student Privacy

Surveys can be a valuable resource for schools and communities ~~in determining student needs for educational services.~~<sup>1</sup> 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.<sup>2</sup>

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.](#)<sup>3</sup> Responses [to surveys will not be used in any identifying manner unless a legally recognized exception or exemption applies.](#)<sup>4</sup>

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;

<sup>1</sup> [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.](#)

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

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

<sup>4</sup> [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 identification of 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) or physical or technical (device) address or identifier;
  3. a telephone number; or
  4. a Social Security identification number.
- E. *"Survey"* ~~includes an evaluation~~ is defined as the collection of information from a sample of individuals through their responses to questions, 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. [All Other Surveys, Whether Funded by Sources Other than the U.S. Department of Education, or Not Funded by Any Source:](#)

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 [\(i.e., any collection of personally identifiable information from students, whether or not it resembles a formal “survey\), regardless who sponsors it, or whether it is sponsored at all, which ~~\(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 or faculty shall give direct notice to parents of affected students of the district's intent to distribute ~~a~~ one or more Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution. This notice shall also permit the parent or student (if an adult or emancipated minor) to opt in or opt out of all such Confidential Topic Surveys for the year, and shall further permit the parent or student to choose to opt in solely through the use of paper and pencil for such surveys, in lieu of a web-based platform.
- 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. Confidential Topic Surveys may only be administered to students whose parents (or, in the case of an adult or emancipated minor, the student him or herself) has submitted a written opt-in for such Surveys. Where parents (or adult or emancipated minor students) have not opted in to all such Surveys at the beginning of the year, the administration or individual teachers may solicit a written opt-in in advance of a specific Survey. A written opt-in for for that Survey shall only apply to that Survey, and shall include the option to use paper and pencil for that Survey, in lieu of a web-based platform.

~~e.~~ 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. The provisions of subsection II, above, apply to any instruments described in this section that also meet the requirements of subsection II.

- 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

## Personnel -- Certified/Non-Certified

### Minority Recruitment Plan

#### Commitment Statement

~~A key goal of the Westport schools is to develop students who “believe in and value greater cooperation among different people and cultures in an increasingly interrelated world.” In pursuit of that goal, the Westport Public School System believes it is worthwhile to have a staff that is not only highly qualified, but also that reflects the diversity existing in our state and nation. Such diversity can provide students with learning opportunities and breadth of experience not otherwise accessible. This belief should be recognized in the recruitment, hiring, assignment and promotion, of all qualified personnel, both certified and non-certified. To that end, and in compliance with PA 98-252, we have developed the following minority recruitment plan.~~

In accordance with Sections 10-4a(3) and Section 10-220(a) of the Connecticut General Statutes, the Board of Education has developed the following written plan for minority educator recruitment:

#### ~~Action Plan~~

~~All postings and advertising will continue to bear the statement: “Minorities are encouraged to apply.”~~

~~In addition to customary state, local and national media, recruitment advertising will be placed in media that are likely to be read by minority populations.~~

~~Recruitment material will continue to be sent to schools and colleges that are likely to have significant percentages of minority students. In addition, personal contacts will be established with the placement offices of these schools.~~

~~Recruitment flyers and brochures will be sent to the leadership of organizations in our area that are likely to have minority membership.~~

~~Through in-person recruitment by administrators and managers, we will make known our active interest in diversity.~~

~~We will inform our staff, parents and members of the general community of our interest in diversity and ask them to assist in our recruitment efforts through personal contacts.~~

~~The district will participate in area minority recruitment fairs whenever possible.~~

~~All recruitment, interviewing, hiring and assignment procedures shall comply with all Board policies and with state and federal non-discrimination regulations.~~

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.

2. The Board will develop contacts with local training and educational institutions, including those with high minority enrollments, to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
3. The Board will develop contacts with local minority community organizations to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
4. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to minorities.
5. The Board will participate in local job fairs, including those that are sponsored by the minority community organizations or otherwise targeted toward minorities.
6. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
7. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

**P-4111.3(b)**  
**4211.3**

## **~~Personnel—Certified/Non-Certified~~**

### **~~Minority Recruitment Plan~~**

#### **~~Commitment Statement (continued)~~**

Legal Reference: ~~Connecticut General Statutes~~

~~10-151 Employment of teachers. Notice and hearing on termination of contract.~~

~~10-153 Discrimination on account of marital status.~~

Connecticut General Statutes §10-4a (3)

Connecticut General Statutes §10-220 (a) Duties of Boards of Education. (as amended by PA 98-252)

Public Act 18-34, An Act Concerning Minority Teacher Recruitment and Retention

~~46a-60 Discriminatory employment practices prohibited.~~

Policy adopted: March 29, 1999  
[Revised:](#)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## **[SCHOOL DISTRICT LETTERHEAD]**

### **EDUCATIONAL STABILITY PROCEDURES FOR TRANSPORTATION COORDINATION WITH THE DEPARTMENT OF CHILDREN AND FAMILIES**

#### **I. APPLICATION OF PROCEDURES**

These procedures apply to circumstances when a child who is a resident of the [ ] Public Schools (the “District”), or is otherwise the responsibility of the District, is placed in foster care, or moved to a new foster care placement by the Department of Children and Families (“DCF”), is placed by DCF pursuant to a 96-hour hold or an order of temporary custody, or is committed to DCF as neglected, abused or uncared for, and DCF has determined that it is in the best interest of the child to remain in the District’s school (“school of origin”) in accordance with 20 U.S.C. § 6312, Every Student Succeeds Act (“ESSA”), and/or Conn. Gen. Stat. § 17a-16a, Educational Stability.

#### **II. COLLABORATION**

The District has collaborated with DCF to develop these procedures, as required by 20 U.S.C. § 6312, ESSA.

#### **III. NOTIFICATION**

- A. DCF is required to notify the District by phone or email immediately upon learning that a child has had a change in foster care placement, been placed in out-of-home care pursuant to a 96-hour hold or an order of temporary custody, or is committed to DCF as neglected, abused or uncared for and it has been determined that it is in the child’s best interested to remain in the school of origin.
- B. DCF is required to orally notify the District of DCF placement of a child within one (1) business day of such placement, and is further required to provide the District with a Form 603 concerning such DCF placement of a child within two (2) business days of the placement to document this information.
- C. The District shall permit the child to continue to attend his/her school of origin upon receiving such verbal and/or written information from DCF.

#### **IV. TRANSPORTATION OPTIONS**

- A. The District and DCF will collaborate to select cost-effective, reliable and safe transportation for children to their schools of origin, in accordance with these procedures.
- B. For children eligible under the Individuals with Disabilities Education Act (“IDEA”) or Section 504 of the Rehabilitation Act (“Section 504”), the District will assess whether the child receives transportation as a related service as documented in the child’s Individualized Education Program (IEP) or Section 504 Plan, and will notify DCF of the result of such assessment. If the child’s IEP or Section 504 includes transportation as a related service, the District shall provide such transportation, albeit from the new home placement determined by DCF.
- C. For students not eligible under the IDEA or Section 504, the District and DCF will examine existing transportation options available for the child, including incorporating the child into an existing bus route, modifying an existing bus route and other no-cost or lost-cost options.
- D. In all cases, District shall not be responsible for any transportation costs over the amount the District would otherwise pay for the child if the child’s home placement had not been changed by DCF.

#### **V. COORDINATION OF TRANSPORTATION**

- A. DCF and the District will collaborate regarding the logistics of which agency shall coordinate the school of origin transportation and which agency shall reimburse the other (and how) for either the initial cost (borne by the District) or additional cost (borne by DCF) due to the placement or re-placement made by DCF.
- B. Under no circumstances shall the District be required to fund transportation costs in excess of the transportation costs the District would otherwise fund if the child’s home placement had not be changed by DCF.

#### **VI. TIMELINE**

DCF and the District finalize the transportation services for the child within five (5) school days after DCF has informed the District of the best interest determination. In the interim, DCF will ensure that transportation is provided to permit the student to remain in the school of origin.

#### **VII. RESOLUTION**

In the event that the District and DCF cannot come to an agreement concerning either the logistics of arranging transportation services or the payment/reimbursement therefore, either agency may seek guidance on the relevant responsibilities under the ESSA and Connecticut law and regulations from the Connecticut State Department of Education.

**Legal Resources:**

20 U.S.C. § 6312, Every Student Succeeds Act (“ESSA”)

Conn. Gen. Stat. § 17a-16a



## CHILDREN IN FOSTER CARE

*(Background Information for Policy Review Committee)*

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), added important new provisions in Title J, Part A (Title I) of the ESEA pertaining to the educational stability for children in foster care, effective December 10, 2016.

The success and well-being of foster youth require ongoing collaboration and partnership between educational and child welfare agencies, and the implementation of the Title I foster care provisions of the new ESSA provides an opportunity for agencies to work together for the betterment of the nearly 270,000 school-aged children nationwide currently in foster care.

Children in foster care, based on data, are more likely than their peers who are not in foster care to experience difficulties in school in the areas of academic achievement in reading/language arts, and mathematics, grade retention, high school graduation, and post-secondary school enrollment. Unplanned school changes affects learning because educational discontinuity impacts the academic progress of students. Greater educational stability has shown to lead to improved outcomes for foster youth, including higher graduation rates.

In recognition of the importance of educational stability for foster youth, the Title I foster care provisions in the ESEA, as amended by ESSA, require that State educational agencies (SEAs) and local educational agencies (LEAs) collaborate with State and local child welfare agencies (CWAs) to ensure school stability for children in foster care. Specifically, as detailed in the joint U.S. Department of Education and the U.S. Department of Health and Services non-regulatory guidance, a child in foster care must remain in his or her school of origin if that is determined to be in the child's best interest. If, on the other hand, it is in the child's best interest to be enrolled in a new school, the child must be immediately enrolled, and the new school must promptly contact the school of origin to obtain necessary records. Further, to ensure that a child in foster care remains in his or her school of origin (when it is in the child's best interest), LEAs must develop procedures in collaboration with State and local CWAs that address how transportation to the schools of origin for children in foster care will be provided, arranged, and funded.

In addition, for the first time, SEAs and LEAs must report annually on academic achievement and graduation rates for children in foster care as a separate subgroup to show how foster youth are performing relative to their peers. Bringing this crucial data to light will allow SEAs and LEAs to better understand the educational outcomes of foster youth and take appropriate steps to address any deficiencies.

The landmark Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was the first Federal legislation to require efforts to ensure educational stability for foster youth. Many of the new Title I foster care provisions reinforce and complement those in Fostering Connections, and both statutes emphasize the shared responsibility of educational and child welfare agencies in promoting the well-being of children in foster care.

The ESSA (section 1111(g)(1)(E)) requires state departments of education to collaborate with the state agency responsible for administering State plans under the Fostering Connections Act to

ensure the educational stability of children in foster care. In Connecticut, this represents the State Department of Education (SDE) and the Department of Children and Families (DCF).

## **CHILDREN IN FOSTER CARE**

*(Background Information for Policy Review Committee) (continued)*

ESSA requires that local districts receiving Title I funds to assure in its local plan that it will develop and implement clear written procedures, in collaboration with the State or local child welfare agency, governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of a child's time in foster care. It is contemplated that transportation is to be paid from local welfare agency funds unless an LEA agrees otherwise. When additional costs are incurred in providing transportation to the school of origin, school districts will provide transportation if: (1) they are reimbursed by the child welfare agency; (2) the school district agrees to pay the costs; or (3) the school district and the child welfare agency agree to share the costs. The federal guidance does not clear up the ambiguity of who must pay for transportation to a child's original school if the child moves out of that school's attendance zone.

ESSA for the first time makes it legally binding on school districts to work with child welfare agencies to ensure that children in foster care stay in their school if it's in their best interest, even if they move. As previously indicated, this is a measure meant to provide stability for such children who often otherwise lack it. If the local school district and child welfare agency officials decide that moving to a new school would be in a child's best interest, then the receiving school must allow immediate enrollment, even if the child cannot produce the required paperwork. The federal guidance also recommends that states, districts, and child welfare agencies set up a process for dispute resolution in cases where there is disagreement over whether a child would be best served by staying in the original school or moving to a new one. The guidance clarifies that if an agreement cannot be reached, the child welfare agency has the final say.

In addition, the local district must assure that it will designate a point of contact regarding children in foster care if the corresponding child welfare agency notifies the local district in writing that it has designated a point of contact. These provisions became effective December 10, 2016.

Also, the ESSA also amended section 725 of the McKinney-Vento Homeless Assistance Act and removed children "awaiting foster care placement" from the definition of "homeless children and youths" for purposes of the Education for Homeless Children and Youth's program. This also became effective as of December 10, 2016.

### **Policy Implications**

A new policy, #5118.3, "Children in Foster Care," has been developed and follows for your consideration. This is considered an optional policy for inclusion in the district's manual. In addition, some new forms to use regarding the determination of "best-interest" and for transportation issues are also provided.

*January 2017*

*An optional policy on this topic.*

## **Students**

### **Homeless Students**

### **Children in Foster Care**

The Board of Education (Board) recognizes that children and youth in foster care represent one of the most vulnerable student subgroups in this country. The Board recognizes the importance of collaboration and joint decision-making between child welfare agencies and educational agencies to meet the needs of this group. Further, the Board shares the belief that the educational stability of children in foster care is a joint responsibility of educational and child welfare agencies. In order to successfully implement the provisions of the ESSA pertaining to children and youth in foster care, these entities need to collaborate continuously in order to meet the ESSA Title I educational stability provisions, effective December 10, 2016.

The new requirement under Title I of the ESSA highlights the need to provide educational stability for children in foster care in order to limit educational disruption to ensure that children who move in foster care remain in their schools of origin unless it is determined to be in their best interest to change schools. If such change is made, the child must be enrolled in his/her new schools without delay.

### **Definitions**

1. **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes.
2. **School of origin** is the school in which a child is enrolled at the time of placement in foster care. An SEA and its local districts must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest. (ESEA section 1111(g)(1)(E)(i)). If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.
3. **Immediate enrollment** means that a child in foster care should be enrolled in a new school as soon as possible in order to prevent educational discontinuity. In addition, enrollment must not be denied or delayed for any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or ELs receiving language services) because documents normally required for enrollment have not been provided. (ESSA section 1111(g)(1)(E)).

## Students

### Homeless Students

### Children in Foster Care

#### Definitions (continued)

The enrolling school must immediately contact a child's school of origin to obtain the relevant records and documentation (ESSA section 1111(g)(1)(E)(iii)), and the school of origin should immediately transfer those records. In addition to ensuring immediate enrollment, local districts should also ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met. The District shall take affirmative steps, as deemed necessary, to revise policies that are barriers to enrollment and attendance for children in foster care.

The Board recognizes that the State Department of Education must ensure that the District implements the Title I educational stability requirements for children in foster care, including ensuring that:

- A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
- If it is not in the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
- That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records. (ESEA section 1111(g)(1)(E)(i)-(iii)).

The District will collaborate with State and tribal child welfare agencies to implement the Title I educational stability provisions. (ESEA section 1111(c)(5)). The district is prepared to work closely with child welfare agency counterparts to tailor processes and procedures to the unique local context. This includes determining with the State or local child welfare agency what documentation or records should be shared, establish criteria to be used in any decision-making process, and identify a structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process.

**Note:** A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan). This plan must include: 1) an assurance that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and 2) an assurance that the child welfare agency has coordinated with the LEA(s) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records. These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement. (See Section 475(1)(G) of the Social Security Act.)

## **Students**

### **Homeless Students**

#### **Children in Foster Care (continued)**

The District, offering a public preschool education, will also meet the Title I requirements for children in foster care in preschool, including ensuring that a child in foster care remains in his or her preschool of origin, unless a determination is made that it is not in the child's best interest. (ESSA section 1111(g)(1)(E)).

#### **Special Education Foster Children**

The IDEA requires that the educational placement of each eligible child with a disability, including children with disabilities in foster care, be determined at least annually, and be based on the child's IEP in accordance with the child's individual needs. Unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if not disabled.

#### **English Learners Foster Children**

Children in foster care who are also English learners (ELs); students identified as having limited English proficiency in speaking, listening, reading, or writing English, identified through District procedures requires ensure that all EL students, including EL students in foster care, can participate meaningfully and equally in educational programs.

#### **Child's Best Interest Determination**

Whenever a child is placed or receives a new foster care placement, the Department of Children and Families (DCF) in collaboration with the child's school district and key caregivers in the child's life, will take into consideration all factors relating to a child's best interest. These factors include the appropriateness of the current educational setting and proximity of placement. (ESEA section 1111(g)(1)(E)(i)).

**Note:** SEAs, LEAs, and child welfare agencies have flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, as well as any additional factors that pertain to a child's best interest. Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered. These factors may include:

## Students

### Homeless Students

### Children in Foster Care

#### Child's Best Interest Determination (continued)

When making the determination of the child's best interest, all factors relating to the child's best interest, will be considered, including, but not limited to:

- Student's age and grade level;
- Time of academic year and academic performance;
- Preferences of the child, when age appropriate;
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Anticipated length of time in placement and whether reunification is the family goal;
- Mental and medical health of the child and the influence of the school climate on the child, including safety;
- The appropriateness of the current education setting, including the availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- Current educational goals, including individualized education program (IEP) goals and objectives for a student with an IEP;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage; (Proximity and travel time to the school that the child is enrolled in at the time of placement.)
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.

While there is a presumption under C.G.S. 17a-16a that remaining in the school of origin is in a child's best interests, an individualized best interests analysis is required in every case.

Transportation costs should not be considered when determining a child's best interest.

**Note:** Although Title I does not prescribe a specific timeline for making a best interest determination, the District should make this determination as quickly as possible in order to prevent educational discontinuity for the child. To the extent feasible and appropriate, the District must ensure that a child remains in his or her school of origin while this determination is being made.

## Students

### Homeless Students

#### Children in Foster Care (continued)

#### Point of Contact Designation

The District designates the District Liaison for Homeless Students (or a different individual) (even if the child welfare agency has not yet notified them in writing of their corresponding point of contact person). The contact information for these individuals should be made public so that child welfare agencies can easily reach them.

*Alternate:* The insert position title shall serve as the District's primary Point of Contact (POC) for the education of children in foster care. The District's designated point of contact will be the primary liaison for the representatives of child welfare agencies who also have responsibility for ensuring the educational stability of children in foster care.

Some of the roles and responsibilities of the District Liaison for Homeless Students, subject to State guidelines, include:

- Coordinating with the corresponding child welfare agency Point of Contact (POC) on ensuring educational stability for children in foster care;
- Ensuring smooth implementation of the ESSA educational stability provisions;
- Leading the development of a process for making the best interest determination and coordinating the best interest determination process among DCF, the child, the child's school, parents, foster parents, child's attorney or other placement providers;
- Documenting the best interest determination for each child;
- Facilitating the immediate transfer of records and immediate enrollment in cases where a child does not remain in a school of origin;
- Facilitating data sharing with DCF, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures, collaborating with DCF;
- Managing best interest determinations and transportation costs disputes;
- Providing to DCF the name and contact information of the child's current transportation provider, the current District cost of transportation to and from the child's former placement and the school of origin and the estimated cost of transportation to and from the child's new placement and the school of origin;
- Ensuring that children in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

The federal guidelines indicate that States should issue State-specific guidance that details the roles and responsibilities of the local POC.

## **Students**

### **Homeless Students**

#### **Children in Foster Care (continued)**

#### **Transportation**

The District will collaborate as required with DCF to develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the child's time in foster care. These procedures must ensure that:

- Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost effective manner under a transportation plan jointly developed by DCF and the District and in accordance with section 475(4)(A) of the Social Security Act; and
- If there are additional costs incurred in providing transportation to the school of origin, the LEA will provide such transportation if (1) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost; or (3) the LEA and local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

The District will ensure that a child in foster care needing transportation to the school of origin receives such transportation for the duration of the time the child is in foster care. (ESEA section 1112(c)(5)(B)). When a child exits foster care, the District should continue to prioritize the child's educational stability, consider each child's best interest on a case-by-case basis, and, when possible, make every effort to continue to ensure transportation is provided through the end of the school year, if needed, when remaining in the school of origin would be in the child's best interest.

A cost effective plan based on the District and DCF working together shall be established to determine whether transportation can be provided for minimal or no additional costs. Examples of no-cost or low-cost options for transportation that local school districts and local child welfare agencies could explore include whether:

- The child may be dropped off at a school bus stop near the existing transportation system for the school of origin;
- Public transportation options exist, if the child is of an appropriate age and has or is able to acquire the skills to utilize such options;
- The foster parents or other family member(s) are willing and able to transport the child to school;
- There are pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for homeless students as required by the McKinney-Vento Act; and
- The child is already eligible for transportation covered by other programs. For example, IDEA funds may be used to pay for transportation services if the child's IEP Team determines transportation is a related FAPE service that is required in order for a child with disabilities in foster care to receive FAPE.

## **Students**

### **Homeless Students**

#### **Children in Foster Care**

(cf. 5118.1 - Homeless Students)

(cf. 5141.3 - Student Health Assessments and Immunizations)

(cf. 5141.4 - Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes  
10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters.  
17a-16a School placement for children in out-of-home care. Nexus school districts.  
17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surrounding without court order.  
17a-103 Reports by others.  
17a-106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.  
46b-120 Definitions.  
“Guidance on the Implementation of Every Student Succeeds Act Provisions Re: Foster Children – June 5, 2017” promulgated by Connecticut State Department of 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 and Youths Program, Vol. 81, No. 52, 3/17/2016.  
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.)  
Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. Implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011.  
ESSA, Part A (Title I)  
Uninterrupted Scholars Act  
Social Security Act

Policy adopted:

cps 6/17

**STUDENT IN FOSTER CARE EDUCATIONAL BEST-INTEREST FACTORS**

This form provides information that will help the Department of Children and Families (DCF) to determine whether it is in a student in foster care’s best interest to remain in the school of origin when there is an initial placement in foster care or a change in placement and to evaluate what is best for the student academically. A student in foster care may remain at his or her school of origin unless a determination is made that it is not in the child’s best interest. “School of origin” is defined as the school that the student is attending at the time of the student’s placement in foster care or of a change in placement.

This form should be completed by a representative from the student’s school of origin who is knowledgeable about the student and is able to provide feedback on how changing schools would impact the student’s academic, social, and emotional well-being; significant relationships that the student may have formed with staff and peers; and other factors. This person could be the student’s teacher, counselor, coach, the foster care liaison, or other meaningful person in the student’s life.

This completed form should be provided to the District foster care liaison, who will share the form with the student’s education decision-maker and caseworker.

Student’s name: \_\_\_\_\_ Student’s grade level: \_\_\_\_\_

Student’s school of origin: \_\_\_\_\_

Name and title of person completing form: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Has the student expressed any preferences regarding which school the student will attend?  
Please provide details.

\_\_\_\_\_

Has the student expressed any feelings about safety or other relevant aspects regarding the environment at the school of origin? Please provide details.

\_\_\_\_\_

How is the student performing academically?

\_\_\_\_\_

Does the student participate in any specialized instruction, such as a gifted and talented, ELL, or career and technical program? Please describe.

\_\_\_\_\_

\_\_\_\_\_

In your opinion, will remaining in the school of origin positively impact the student's academic performance? Please explain.

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Describe any meaningful relationships the student has formed with District staff at the school of origin.

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Describe any meaningful relationships the student has formed with other District students at the school of origin.

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Describe the student's participation in any extracurricular or after-school activities.

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Describe any other ties the student has to the school of origin.

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In your opinion, will remaining in the school of origin positively impact the student's social, emotional, or behavioral well-being? Please explain.

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

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

**INDIVIDUAL TRANSPORTATION PLAN TEMPLATE  
FOR STUDENT IN FOSTER CARE**

For additional guidance, see the U.S. Department of Education and Health and Human Services' Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.

Based on the determination that it is in the student's best interest to remain in the school of origin, this plan addresses how transportation to the school of origin will be provided, arranged, and funded. The goal of this plan is to allow the student to remain in the school of origin without interruption.

In developing this transportation plan, participants evaluated student safety, cost effectiveness, reliability, and time and distance of the commute. Efforts were made to avoid or mitigate any additional costs.

**Student Information:**

Student's name: \_\_\_\_\_ Student's grade level: \_\_\_\_\_

Student's foster parent or caregiver: \_\_\_\_\_

Student's school of origin: \_\_\_\_\_

Address at which student is currently living: \_\_\_\_\_

School that the student would attend based on current address: \_\_\_\_\_

**Participants in Plan Development:**

The following District personnel were involved in the development of this plan: (List the name and position as appropriate.)

District foster care liaison  
Name: \_\_\_\_\_

Title I Director  
Name: \_\_\_\_\_

Transportation director  
Name: \_\_\_\_\_

McKinney-Vento homeless liaison  
Name: \_\_\_\_\_

Special education director  
Name: \_\_\_\_\_

Principal at school of origin  
Name: \_\_\_\_\_

Principal at school student would otherwise attend  
Name: \_\_\_\_\_

Other: (List other relevant federal programs staff, personnel from assigned school if not within District boundaries, and the like.) \_\_\_\_\_  
\_\_\_\_\_

The following representatives of DCF were involved in the development of this plan: (List names and positions as appropriate.)

Education decision-maker  
Name: \_\_\_\_\_

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

Foster parent or caregiver, if different from the educational decision-maker  
Name: \_\_\_\_\_

Court-appointed special advocate (CASA) liaison  
Name: \_\_\_\_\_

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

**Additional Costs of Transportation:**

**Note:** (Additional costs reflect the difference between what the District would spend to transport a student to the assigned school and the cost of transporting a student in foster care to his or her school of origin. In accordance with the federal Non-Regulatory Guidance, if the District is able to provide transportation through an established bus route, there are no additional costs. If the District will reroute buses or provide transportation through a private vehicle or transportation company, the District may consider as additional costs the cost of rerouting buses or the difference between the special transportation costs and the usual transportation costs.)

As a comparison for determining whether additional costs will be incurred in transporting the student to the school of origin, the cost of transporting the student to the school that the student would otherwise attend is estimated to be: \_\_\_\_\_

The cost estimate of providing transportation under this plan, including administrative costs such as additional staff time to coordinate the transportation, is estimated to be: \_\_\_\_\_

Thus, the cost of providing daily transportation for the student to the school of origin under this plan (does/does not) require additional costs. These additional costs will be funded in the following manner: (Describe how the additional costs will be funded.)

**Transportation:** (For each situation below, describe details of the transportation method. Identify which individuals are responsible for each segment of the commute, including whether an adult will be needed to accompany younger students on any segments; sign-off procedures to ensure that the student successfully complete each segment, and the like.)

Until the daily transportation method can be fully implemented, immediate transportation to the school of origin will be provided in the following manner:

Daily transportation to the school of origin will be provided in the following manner:

If it is known in advance that the daily transportation method will not be available, transportation will be provided in the following manner:

Should the daily transportation method not be available based on an unanticipated event, the following action steps will be initiated to ensure the student is able to get to school on time: (Describe the steps that should be taken, by whom, and by what time.)

The student participates in after-school activities on the following days that require adjustments to the daily transportation method: (Describe the days and times of after-school activities.)

Transportation on these days will be provided in the following manner:

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**Review and Termination:**

This plan will be reviewed when any circumstances have changed that affect implementation of the plan and at the beginning of each semester.

Upon the student's exit from foster care, the \_\_\_\_\_ (Identify the title and name of the responsible DCF staff) will notify the District foster care liaison so that this transportation plan may be reviewed.

Foster care liaison's signature:

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

Superintendent's signature: (Or signature of other District official who has authority to approve any additional expenditures required by this plan.)

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

DCF education decision-maker's signature:

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

Foster parent or caregiver's signature: (If different from the educational decision-maker.)

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

## Students

### Health Assessments and Immunizations

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

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

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

The Superintendent shall designate the school nurse to receive reports of health assessments and immunizations from health care providers.

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

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

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

The school nurse who is required to verify the immunization status for children enrolled in District schools, pre-K to grade 12, inclusive, pursuant to C.G.S. 10-204a, shall be provided with sufficient information on the children living within his/her jurisdiction and is listed on the Department of Public Health's registry of immunization status. The school nurse is authorized to determine which children in their jurisdiction are overdue for scheduled immunizations and provide outreach to help get them vaccinated.

Students born, traveling, and /or residing for at least one month in a country other than the United States, Canada, Australia, New Zealand, or a country in western or northern Europe and entering school in Connecticut for the first time, should receive either TST (tuberculin skin test) or IGRA (interferon-gamma release assay). Any individual found to be positive shall have an appropriate medical management plan developed that includes a chest radiograph.

Students not already known to have a positive test for tuberculosis should be tested if they meet any of the risk factors for TB infection, such as immunosuppression, current or planned or close contact to someone with infectious TB disease.

No record of any student's medical assessment may be open to the public.

As required, the District will report, beginning in October 2017, on a triennial basis, to the Department of Public Health and to the local Health Director the asthma data, pertaining to the total number of students per school and for the district, obtained through the required asthma assessments, including student demographics. Such required asthma diagnosis shall occur at the time of mandated health assessment at the time of enrollment, in grade six or seven, and in grade ten or eleven. Such asthma diagnosis shall be reported whether or not it is recorded on the health assessment form, at the aforementioned intervals. The District, as required, will also participate in annual school surveys conducted by the Department of Public Health pertaining to asthma.

As required, the District will annually report to the Department of Public Health information required on the School Immunization Entry Survey.

The Superintendent of Schools or his/her designee shall give written notice to the parent/guardian of each student who is found to have any defect of vision or disease of the eyes, with a brief statement describing such defect or disease and a recommendation that the student be examined by an appropriately licensed optometrist or ophthalmologist.

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

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

(cf. 5135.11 - Health/Medical Records - HIPAA)

Legal Reference: Connecticut General Statutes

10-204a Required immunizations (as amended by P.A. 15-174 and P.A. 15-242)

10-204c Immunity from liability

10-205 Appointment of school medical adviser

10-206 Health assessments (as amended by PA 17-146 and PA 18-168)

10-207 Duties of medical advisors

10-206a Free health assessments

10-208 Exemption from examination or treatment

10-208a Physical activity of student rest cites; board to hone notice

10-209 Records not to be public. Provision of reports to school.

10-212 School nurses

10-214 Vision, audiometric and postural screenings. When required. Notification of parents re defects; record of results (as amended by PA 17-173)

Department of Public Health, Public Health Code, 10-204a-2a, 10-204a-3a, 10-204a-4

Section 4 of PA 14-231

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

P.L. 93-568; codified as 20 U.S.C. 1232g

42 U.S.C. 1320d-1320d-8 P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

PA 17-146 "An Act Concerning the Department of Public Health's Various Revisions to the Public Health Statutes," Section 5, effective 10/1/17

PA 18-168 An Act Concerning the Department

**Series 1000  
Community/Board Operations**

**POLICY REGARDING AUTOMATIC EXTERNAL DEFIBRILLATORS**

In order to assist individuals who may experience sudden cardiac arrest or a similar life-threatening emergency during the school’s normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds, and during school-sponsored events not occurring during the normal operational hours of the school, the [\_\_\_\_\_] Board of Education (the “Board”) maintains at each school under the Board’s jurisdiction, automatic external defibrillators (“AEDs”) and school personnel trained in the operation of such automatic external defibrillators and the use of cardiopulmonary resuscitation. It is the policy of the Board to support the use of these automatic external defibrillators and trained school personnel during medically appropriate circumstances.

Requirements concerning the use and maintenance of AEDs are set forth in the accompanying Administrative Regulations as may be supplemented by or amended by the Administration from time to time.

For purposes of this policy and the accompanying regulations, an AED is a device that:

- 1) is used to administer an electric shock through the chest wall to the heart;
- 2) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis and, if necessary, apply therapy;
- 3) guides the user through the process of using the device by audible or visual prompts; and
- 4) does not require the user to employ any discretion or judgment in its use.

Legal References:

Connecticut General Statutes

- § 19a-175 Definitions
- § 52-557b Good Samaritan Law
- § 10-212d Availability of Automatic External Defibrillators in Schools

Regulations of Connecticut State Agencies

Department of Public Health § 19a-179-1 et seq.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/18/16

Technical Rev. 10/13/2020

## Students

### WEAPONS AND DANGEROUS INSTRUMENTS

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

#### I. Definitions:

A. Dangerous Instrument means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

B. Deadly Weapon means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.

C. Electronic Defense Weapon means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

D. Firearm, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than 1/2" in diameter. The term

"destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

E. Martial Arts Weapon means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.

F. School-Sponsored Activity "means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property." Conn. Gen. Stat. § 10-233a(h).

G. Weapon means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release devise by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

## II. Consequences

A. A student who possesses and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with Board of Education Student Discipline Policy.

### Legal References:

Connecticut General Statutes § 10-233a,  
§ 10-244a  
§ 29-28(e),  
§ 53a-3,3  
§ 53a-217b

Policy adopted: November 11, 2019

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Series 1000**  
**Community/Board Operation**

**POLICY REGARDING POSSESSION OF DEADLY WEAPONS OR FIREARMS**

I. Definitions:

- A. **Deadly Weapon** means "any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles." Conn. Gen. Stat. § 53a-3 (6).
- B. **Firearm** means "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged." Conn. Gen. Stat. § 53a-3 (19).
- C. **Peace Officer** means "a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive." Conn. Gen. Stat. § 53a-3 (9).
- D. **Real Property** means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office buildings. Real property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

E. **School-Sponsored Activity** means “any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property.” Conn. Gen. Stat. § 10-233a(h).

II. Prohibition of Deadly Weapons and Firearms

In accordance with Conn. Gen. Stat. § 29-28(e) and § 53a-217b, the possession and/or use of a deadly weapon or firearm on the real property of any school or administrative office building in this district, or at a school-sponsored activity, is prohibited, even if the person possessing the deadly weapon or firearm has a permit for such item.

III. Peace Officer Exception

A peace officer engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity.

IV. Other Exceptions

Persons in lawful possession of a deadly weapon or firearm may possess such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity, if:

A. The person brings the deadly weapon or firearm on the real property of any school or administrative office building or to a school-sponsored activity for use in a program approved by school officials. In such case, the person must give school officials notice of his/her intention to bring such item, and the person must receive prior written permission from school officials.

B. The person possesses the deadly weapon or firearm on the real property of any school or administrative office building or at a school-sponsored activity pursuant to a written agreement with school officials or a written agreement between such person's employer and school officials.

*(Optional Exception: Conn. Gen. Stat. § 53a-217b permits school districts to regulate access to school property by hunters in possession of firearms. School districts concerned with this issue should consider including the following paragraph as part of their policy.)*

- C. *The person possesses the deadly weapon or firearm while crossing school property in order to gain access to public or private lands open to hunting or for other lawful purposes and entry on such school property is permitted by the Board of Education. In the case of a firearm, the person's firearm shall not be loaded.*

*(Optional Exception: Conn. Gen. Stat. § 10-244a, “An Act Concerning School Safety,” permits school districts to hire a sworn member of an organized local police department or a retired police officer to provide school security and to possess a firearm while in the performance of his or her duties. School districts opting to hire such sworn law enforcement or retired law enforcement officers should ensure that their security program meets all of the requirements of Conn. Gen. Stat. § 10-244a and should consider including the following paragraph as part of their policy.)*

- C. *An armed security officer employed by the Board of Education to provide security services pursuant to Conn. Gen. Stat. § 10-244a engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity.*

V. Consequences

- A. Unless subject to one of the exceptions listed above, any person who possesses a deadly weapon or firearm on the real property of an elementary or secondary school in this district, or administrative office building, or at a school-sponsored activity, whether or not the person is lawfully permitted to carry such deadly weapon or firearm, will be reported to the local police authorities once school officials become aware of its possession.
- B. A student who possesses and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with Board of Education Student Discipline Policy.
- C. The Board of Education reserves the right to forbid anyone caught possessing a deadly weapon or firearm on the real property of its school buildings or administrative office buildings, or at a school-sponsored activity, from using any and all school facilities.

ADOPTED \_\_\_\_\_  
REVISED \_\_\_\_\_

Legal References:

Connecticut General Statutes § 10-233a  
§ 10-244a  
§ 29-28(e)  
§ 53a-3  
§ 53a-217b

***Note: Under state law, in order to prohibit all persons from carrying deadly weapons and/or firearms onto school property (including persons who hold a legal permit to carry such weapons elsewhere), a school district must affirmatively pass a policy prohibiting such items. The policy above accomplishes this goal. Districts may legally prohibit other weapons as well, but issues exist regarding 1) a district's practical ability to enforce such prohibitions and 2) the definitions used to describe other types of weapons. If a district chooses to enact a wider prohibition on weapons, it is well advised to consult legal counsel for assistance in drafting a policy containing a wider prohibition.***

6/18/2020



## Students

### Weapons and Dangerous Instruments

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

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

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

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

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

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

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

Additional optional language to consider:

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

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

"Gun-Free School Zone" signs will/may be posted in cooperation with city/town officials as appropriate.

Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

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

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

Legal Reference: Connecticut General Statutes

[10-221](#) Boards of education to prescribe rules.

[10-233a](#) through [10-233f](#) - Expulsion as amended by PA 95-304

[53a-3](#) Definitions.

[53a-217b](#) - Possession of firearms and deadly weapons on school grounds

[53-206](#) Carrying and sale of dangerous weapons.

PA 94-221 An Act Concerning School Discipline and Safety.

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006)

GOALS 2000: Educate America Act

18 U.S.C. 921 Definitions.

20 U.S.C. §7961, The Gun-Free School Act, 8561 of the Every Student Succeeds Act.

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117

**Policy adopted:**

## Business/Non-Instructional Operations

### Hazardous Materials in Schools

### Pest Management/Pesticide Applications

#### Regulation

The Westport Public School system has an Integrated Pest Management (IPM) plan. IPM is defined as the use of all available pest control techniques that have the effect of decreasing the unnecessary use of pesticides. Alternative techniques include, but are not limited to structural maintenance, sanitation practices, appropriate solid waste management and alternative mechanical and biological control. The IPM may include the judicious use of pesticide when necessary. This IPM follows the guidelines established by the State of Connecticut. All techniques are state certified and those who engage in application of these techniques have received specialized training. In accordance with the Connecticut state law, the Town of Westport, which also has an IPM, oversees pest management in the fields adjoining the schools. School and town officials meet annually with representatives of the companies implementing our IPM to review our procedures.

Alternative pest control strategies are used whenever possible. The school is given prior notice of pesticide use, if it is necessary. No application of pesticide is made in any building or on the grounds of any public school during regular school hours or during planned activities, except in an emergency involving an immediate threat to health or safety.

The law permits parents or guardians to register for prior notice (24-hours) of pesticide application. Those who wish to do so are instructed to write to the principal of that school advising of their desire to register. Families with children in more than one school must make a separate written request to the principal of each school.

Emergency pesticide application is permitted without notification, provided that it does not involve the use of restricted pesticides. No child is permitted to enter the area where the application occurred until the area is determined to be safe.

Notification is to be mailed so as to reach registrants at least 24 hours prior to the pesticide application. In the case of an emergency application because of an immediate threat to health or safety, notice will be sent by any means practicable on the day before or the day of the application.

The Westport Public Schools will continue to use appropriate procedures, and take all necessary measures, to protect children's health and safety.

Legal Reference: Connecticut General Statutes

[22a-46](#). Short title: Connecticut Pesticide Control Act.

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

[22a-58](#). Records to be kept by distributors and applicators.

[23-61a](#). Definitions. Tree protection examining Board within Department of Consumer Protection. Regulations.

[23-61b](#). Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

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

PA 99-165 An Act Concerning Notice of Pesticide Applications at Schools and Day Care Centers.

PA 05-252 An Act Concerning Pesticides at Day Care Facilities

**Regulation approved: July 1, 2000**

**Series 1000  
Community/Board Operation**

**POLICY REGARDING PESTICIDE APPLICATION  
ON SCHOOL PROPERTY**

*[Note: This model policy is intended for boards of education that have an integrated pest management plan. The statutory requirements for districts without an integrated pest management plan differ in terms of required notice and application of pesticides.]*

It is the policy of the \_\_\_\_\_ Board of Education to implement an integrated pest management plan to reduce the amounts of pesticides applied in any building, or the grounds of any \_\_\_\_\_ public school, by using all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

The decision to apply pesticide in any building, or the grounds of any \_\_\_\_\_ public school is dependent on results of periodic monitoring for pest populations to determine if a pest problem exists that exceeds acceptable threshold levels.

No application of pesticide shall be made in any building, or the grounds of any \_\_\_\_\_ public school during regular school hours or during planned activities at any school, except as provided by Connecticut statute or regulation.

Parents or guardians of children in any school and/or staff members in any school may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice, and shall provide notice to registered individuals in accordance with applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members in the event of a threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a pesticide be made during regular school hours or during planned activities at school without prior notice to parents or guardians of children and/or staff members in any school in the event of an immediate threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

There shall be no application of any lawn care pesticide on the grounds of any school with students in grade eight (8) or lower, except on an emergency basis, subject to applicable Connecticut statutory and regulatory provisions.

Legal References:

Connecticut General Statutes:

§10-231a

§10-231b

§10-231d

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/3/16



## **Business and Non Instructional Operations**

### **Hazardous Materials in Schools**

#### **Pesticide Application (Version #1)**

The intent of this policy is to ensure that students, employees and parents/guardians receive adequate notice, in conformity with applicable statutes, prior to pesticide application in school buildings and on school grounds. Further, the District will only employ certified pesticide applicators for any non-emergency pesticide use in school buildings or on school grounds.

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

The District shall:

- Provide notice of planned pesticide application to students, parents/guardians and employees in the manner required by law, utilizing websites, schools or District social media account, electronic mail notification or alert systems.
- Post the areas scheduled to receive pesticide application(s).
- Maintain written records for five years of all pesticide applications.
- Provide continuing instruction to those students who, based upon written medical request, find it necessary to absent themselves during the period of application.
- Inform annually parents/guardians and staff of the District's pest application/management policy.
- Establish a registry of parents/guardians and staff who want to receive advance notice of all pesticide use and provide such notice as required by law.

Pest control applicators employed by the District shall provide the school contact person (Supervisor of Maintenance, Head Custodian) with notice at least seventy-two (72) hours prior to the date and time the pesticide application is to occur, including in such notice the brand name, concentration, rate of application, pesticide label, material safety data sheet, list of the area or areas where the pesticide is to be applied and any use restrictions required by the pesticide label. Prior to the application, the applicator shall provide the school contact person with a written pre-application notification containing the following information:

- The brand name, rate of application and any use restrictions required by the label of the herbicide or specific pesticide (name of the active ingredient of the pesticide being applied).
- The target pest.
- The area or areas where the pesticide is to be applied.
- The date and time the application is to occur.
- The pesticide label and the material safety data sheet.

In case of pesticide applications performed for or by public health agencies or emergency applications because of immediate threat to the public health, the licensed applicator shall give the school site office oral and, if possible, written notice, with posting of the area to be treated.

The Superintendent or his/her designee may require the pest control applicator to make the required postings in accordance with all applicable statutes and with District policy and regulations. The name and address of the applicator shall be a part of any posting.

Someone other than a certified pesticide applicator may apply a pesticide in an emergency to eliminate an

immediate human health threat when (1) it is impractical to obtain the services of a certified pesticide applicator and (2) a restricted use pesticide is not used, as defined in C.G.S. [22a-47](#).

Pesticide purchases shall be limited to amounts authorized by the Superintendent or his/her designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff. They shall be stored and disposed of in accordance with EPA registered label directions and applicable state statutes.

## Definitions

**Pesticides** are defined as fungicides used on plants, insecticides, herbicides or rodenticides, but not sanitizers, disinfectants, antimicrobial agents or pesticide baits.

**Microbial pesticide** means a pesticide that consists of a micro-organism as the active ingredient.

**Biochemical pesticide** means a naturally occurring substance that controls pests by non-toxic mechanisms.

**Integrated pest management** is the use of all available pest control measures, including the judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level while decreasing the use of pesticides. Such plan is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66l.

**Lawn care pesticides** are pesticides registered by the EPA and labeled according to the Federal Insecticide, Fungicide and Rodenticide Act for lawn, garden and ornamental use. Lawn care pesticide does not include a microbial pesticide or biochemical pesticide registered with the EPA, horticultural soap or oil registered with the EPA and does not contain any synthetic or synergist or a pesticide classified by EPA as an exempt material.

The Superintendent shall prepare and disseminate regulations for the implementation of this policy.

Legal Reference: Connecticut General Statutes

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

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

[22a-46](#). Short title: Connecticut Pesticide Control Act.

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

[22a-58](#). Records to be kept by distributors and applicators.

[23-61a](#). Definitions. Tree protection examining Board within Department of Consumer Protection. Regulations.

[23-61b](#). Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

P.A. 09-56 An Act Concerning Pesticide Applications at Child Day Care Centers and Schools  
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code 136 et seq.

## Policy adopted:

3524.1

## Business and Non Instructional Operations

### Hazardous Materials in Schools

### Pesticide Management/Pesticide Application (Version 2)

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms that interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of

this policy is to ensure the health and safety of students, teachers, staff and all others using district buildings and grounds.

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

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

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

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

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

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

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

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

The notice shall include:

- ☐ The name of the active ingredient of the pesticide being applied.
- ☐ The target pest.

- ☐ The location of the application on school property.
- ☐ The date of the application.
- ☐ The name of the school administrator or designee who may be contacted for further information.

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

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

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

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

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

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

Beginning January 1, 2006 the application of lawn care pesticides on the grounds of any schools with students in grade eight or lower must be according to an integrated pest management plan (IPM). Such application is prohibited starting July 1, 2010 except in emergencies. An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools.

Legal Reference: Connecticut General Statutes

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

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

[22a-46](#) Short title: Connecticut Pesticide Control Act.

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

[22a-58](#) Records to be kept by distributors and applicators.

[23-61b](#) Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

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

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

**Policy adopted:**

**POOL SAFETY PLAN  
(ADMINISTRATIVE REGULATIONS)**

The [\_\_\_\_\_] Board of Education (“Board”) establishes these procedures to govern the conduct of any student aquatic activity that takes place in any of its school swimming pools.

**I. Definitions:**

- A. **School Swimming Pool:** means any swimming pool approved for use by the Board for student aquatic activities;
- B. **Student Aquatic Activities:** means any physical education class, interscholastic athletics or extracurricular activities offered to students by the Board that makes use of a school swimming pool;
- C. **Qualified Swimming Coach:** means any person who (A) holds a valid coaching permit issued by the State Board of Education, and (B) (i) is certified as a lifeguard by the American Red Cross or another nationally recognized organization that conducts aquatic training programs, (ii) has completed a safety training for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool;
- D. **Qualified Educator:** means any person who (A) holds a valid certificate issued by the State Board of Education, pursuant to section 10-145b of the general statutes, with an endorsement in physical education, (B) (i) is certified as a lifeguard by the American Red Cross or another nationally recognized organization that conducts aquatic training programs, (ii) has completed a safety training course for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the

American Heart Association, the Department of Public Health or any director of health;

- E. **Qualified Lifeguard:** means any person who (A) is sixteen years of age or older, (B) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health.

## II. Mandatory Supervision

- A. In addition to the person responsible for conducting any student aquatic activity that makes use of a Board school swimming pool, there shall be at least one qualified educator, qualified swimming coach or qualified lifeguard who shall be solely responsible for monitoring such school swimming pool during such student aquatic activities for swimmers who may be in distress and providing assistance to such swimmers when necessary.
- B. Any physical education course that makes use of a Board school swimming pool shall have at least one qualified educator who shall serve as the instructor of such physical education course and be responsible for implementing the provisions of the school swimming pool safety plan, and at least one qualified educator, qualified swimming coach or qualified lifeguard whose primary responsibility is to monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.
- C. Any interscholastic athletic activity that makes use of a Board school swimming pool shall have at least one qualified swimming coach who shall serve as a coach of the participating students and be responsible for implementing the provisions of the school swimming pool safety plan, and at least one qualified educator, qualified swimming coach or qualified lifeguard whose primary responsibility is to monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.
- D. Any extracurricular activity that makes use of a Board school swimming pool shall have at least one qualified lifeguard who will monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary, and be responsible for implementing the provisions of the school swimming pool safety plan.

## III. Plan Review

The Board's Pool Safety Plan shall be reviewed and updated as necessary prior to the commencement of each school year.

Legal References:

State Law:

Conn. Gen. Stat. § 10-2201

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/2016

Technical Rev. 11/2/2020

## **SCHOOL SECURITY AND SAFETY**

The [\_\_\_\_\_] Board of Education (the “Board”) will develop and implement an all-hazards district security and safety plan with a school-specific annex for each school within the district or a school security and safety plan for each school within the district to bolster their existing emergency preparedness, response capability and school safety and security measures and to best meet all-hazards threats.

Security and safety plans will be based on the school security and safety plan standards developed by the Connecticut Department of Emergency Services and Public Protection and will adhere to the requirements of state law.

Security and safety plans should be kept securely and will only be provided to the Board, school staff and administration, members of the school security and safety committees, members of state and local law enforcement, first responders, local municipal officials or other persons authorized by the Board or the Superintendent (e.g., consultants, contractors). Pursuant to Connecticut General Statutes § 1-210(b)(19), the plan will not be available to the public.

### Legal References:

#### State Law:

Conn. Gen. Stat. § 1-210 (b)(19)

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222m

Conn. Gen. Stat. § 10-222n

Conn. Gen. Stat. § 10-231

Conn. Gen. Stat. § 28-7

#### State Standards:

Connecticut Department of Emergency Services and Public Protection, *School Security and Safety Plan Standards*.

#### Federal Guidance:

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

ADOPTED \_\_\_\_\_  
REVISED \_\_\_\_\_

6/24/16

Technical Rev. 7/23/20



## Business and Non-Instructional Operations

### Safety

#### Safe and Secure School Facilities, Equipment, and Grounds

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

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

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

1. Involvement of local officials, including the First Selectman/Mayor/Town Manager, Superintendent of Schools, law enforcement, fire, public health, emergency management and emergency medical services, in the plan's development.
2. A command center organization structure based on the federal National Incident Management System and a description of the responsibilities of such command center organization.
3. A requirement that a school security and safety committee be established of each school, in accordance with the provisions of C.G.S. [10-22m](#).
4. Crisis management procedures.
5. A requirement that local law enforcement and other local public safety officials evaluate, score and provide feedback on fire drills and crisis response drills.
6. A requirement that the Board of Education submit annually reports to the Department of Emergency Services and Public Protection regarding fire drills and crisis response drills, conducted pursuant to C.G.S. [10-231](#).
7. Procedures for managing various types of emergencies.
8. A requirement that the Board of Education conduct a security and vulnerability assessment for each school in the district every two (2) years and develop a school security and safety plan for each school based upon the school security and safety plan standards developed by the Department of Emergency Services and Public Protection. (DESPP)
9. A requirement that the Safe School Climate Committee of each school, established pursuant to C.G.S. [10-222k](#), collect and evaluate information relating to instances of disturbing or threatening behavior that may not meet the statutory definition of bullying and report such information, as necessary, to the district's Safe School Climate Coordinator and the school's security and safety committee.
10. A requirement that each school provide an orientation pertaining to the security and safety plan to each employee and provide violence prevention training as prescribed in the school security and safety plan. (The Department of Emergency Services and Public Protection is required to make such standards available to the Board of Education. The Department of Education is required to distribute such standards to all public schools.)

The Board will annually submit each school's security and safety plan to the Department of Emergency Services and Public Protection, with the required documentation, in the manner requested.

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

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

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

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

**Staff Training:** All school personnel, including bus drivers and athletic program coaches, shall receive adequate preparation and participate in professional development activities pertaining to the prevention and appropriate response to unintentional injuries and acts of violence at school. The professional development program shall provide information and/or training and include, but not limited to, the following topics:

- emergency response procedures, including the use of fire extinguishers;
- proper use of protective gear by students and staff when appropriate;
- identifying students in need of medical attention and referring them for appropriate services;
- administering first aid and cardiopulmonary resuscitation, (at least one person at each school site should hold current first aid and/or CPR certification);
- methods of responding to bullying, sexual harassment, and threats of violence;
- identifying students who have been victims of crime or violent behavior and referring them for appropriate services; and
- maintaining student confidentiality.

*Alternate language:*

*The District will provide regular training and information to all school employees pertaining to the District's school emergency management systems and protocols, including violence prevention training and emergency response procedures.*

### **School Security and Safety Committee**

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

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

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

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

improvements to the policy and its implementation.

### **Use of School Security Consultants**

When determined necessary, the District will utilize qualified school security consultants operating in Connecticut. Such consultants used will be listed on the registry maintained by the Department of Emergency Services and Public Protection and published on its website.

(cf. [3517](#) – Security of Buildings and Grounds)

(cf. [4131/4231](#) – Staff Development)

(cf. 4148.1/4248.1 – School Security and Safety Committee)

(cf. [5142](#) – Student Safety)

(cf. [6114](#) – Emergencies and Disaster Preparedness)

(cf. [6114.7](#) – Safe Schools)

Legal Reference: Connecticut General Statutes

[10-203](#) Sanitation

[10-207](#) Duties of medical advisers

[10-220f](#) Safety Committee

[10-222k](#) District safe school climate coordinator. Safe school climate specialist. Safe school climate committee

[10-222m](#) School security and safety plans. School security and safety committees

[10-22n](#) School security and safety plan standards

[10-231](#) Fire Drills

[29-389](#) Stairways and fire escapes on certain buildings.

[52-557b](#) Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render

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

**Policy adopted:**

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS REGARDING SEXUAL OFFENDERS**

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

*[The following sections are optional:*

*In order to provide information from the Connecticut Department of Emergency Services and Public Protection to interested persons in the \_\_\_\_\_ Public Schools' community, a link to the Connecticut Department of Emergency Services and Public Protection's sexual offender registry has been placed on the school district's website.*

*When the Superintendent of Schools receives a specific notification from the Connecticut Department of Emergency Services and Public Protection that a registered sexual offender is being released into the \_\_\_\_\_ community, the Superintendent or his/her designee will post the notification from the Connecticut Department of Emergency Services and Public Protection on the district's website within a reasonable period of time.]*

***In addition,*** school district personnel shall cross-reference the Connecticut Department of Emergency Services and Public Protection's sexual offender registry prior to hiring any new employee and prior to permitting a volunteer to work with students in any capacity. Registration as a sexual offender constitutes grounds for denial of employment and/or volunteer opportunities in the \_\_\_\_\_ Public Schools.

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

Legal references:

Conn. Gen. Stat. § 54-258 Availability of registration information. Immunity.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/2/16



## **Business and Non Instructional Operations**

### **Safety**

#### **Sexual Offenders on School Property**

##### **Definitions**

For the purpose of this policy, a sexual offender is defined in Connecticut General Statutes §54-250 through §54-261 and/or is required per these statutes to register on the state's sex offender registry. A *parent/guardian sexual offender* is an individual who meets this policy's definition of sexual offender and who has either parental or legal guardianship rights to a child attending a District school. A *non-parent/non-guardian sexual offender* is an individual who meets this policy's definition of sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.

*School property* includes all land within the perimeter of the school site and all school buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored activity.

##### **Non-parent/Guardian Sexual Offenders**

A non-parent sexual offender is prohibited from entering a District school except:

1. When he/she is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
2. To attend an open meeting.

A non-parent sex offender who attempts to communicate electronically with a student while the student is on school property will be considered on school property without permission and will be in violation of this policy.

##### **Parent/Guardian Sex Offenders**

Parent/guardian sexual offenders are prohibited from entering school property except:

1. When he/she is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
2. To attend an open meeting.
3. With the Superintendent's prior written approval in the following instances:
  - a. To transport his/her own child to and/or from school.
  - b. To attend a conference to discuss his/her student's progress, placement, or individual education plan (IEP).
  - c. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

A parent/guardian sex offender who attempts to communicate electronically with a student other than his/her child while the student is on school property will be considered on school property without permission and will be in violation of this policy.

##### **Student Sex Offenders**

The Superintendent or his/her designee shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent or his/her designee shall consider such factors as the safety and health of the student population. The Superintendent or designee shall develop guidelines for managing each student sexual offender in District schools. If the Superintendent or designee determines that, in the best interest of District schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs

associated with this placement.

A PPT/IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The PPT/IEP team shall develop procedures for managing each student sexual offender with a disability that attends a District school. If the PPT/IEP team determines that the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

### **General Provisions**

The Superintendent or his/her designee will inform the appropriate principal and other relevant District staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must immediately report to the individual or location designated in the Superintendent's or designee's written permission statement. The building Principal shall assign a chaperone to accompany the sexual offender while he/she is on district property. The only exceptions to these requirements are when the Superintendent grants permission to a parent/guardian sex offender to transport his/her child and when a student sex offender receives permission to attend a District school in which case the guidelines developed for this individual shall apply.

The Superintendent shall use the Connecticut sex offender registry law, in conjunction with policy #3516.4, to establish a system for identifying sexual offenders and will inform known sexual offenders of this policy. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions in this policy.

The Superintendent will contact law enforcement anytime a sexual offender violates this policy and will immediately revoke any privileges granted to the sexual offender under this policy.

Parents/guardian who are registered sex offenders shall receive a copy of this policy via registered mail.

(cf. [1110.1](#)-Parent Involvement)

(cf. [1212](#)-School Volunteers)

(cf. [1250](#)-Visits to Schools)

(cf. [1251](#)-Loitering or Causing Disturbance)

(cf. [1411](#)-Relations with Law Enforcement Agencies)

(cf. [3516](#)-Safety)

(cf. [3516.4](#)-Sex Offender Notification)

(cf. [3517](#)-Security of Buildings and Grounds)

(cf. 3517.1-Site and Building Access)

Legal Reference: Connecticut General Statutes

[54](#)-250 through [54](#)-261 Registration of Sexual Offenders.

PA 07-143: An Act Concerning Jessica's Law and Consensual Sexual Activity Between Adolescents Close in Age to Each Other.

PA 07-4, June 07 Special Session: An Act Concerning the Provisions of the Budget Concerning Education.

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

Policy adopted:

## Community Relations

### Other School-Connected Organizations

#### Booster Clubs

Parent organizations and booster clubs are invaluable resources to the District's schools. The Board of Education recognizes that parent organizations and extracurricular support groups, or "booster clubs" provide important support to District schools, and can be valuable means of stimulating community interest in the aims and activities of District schools. Support organizations may be defined in two ways:

1. an organization which is created to foster community support and provide resources for a particular sport or activity in the school or school system; or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

While parent organizations and booster clubs have no administrative authority and cannot determine District policy, the Board welcomes their suggestions and assistance.

Parent organizations and booster clubs are recognized by the Board of Education and permitted to use the District's name, a District school's name, or a District school's team name, or any logo attributable to the District provided they first receive the Superintendent or designee's express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has bylaws containing the following:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.
3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, district staff, and community members or an agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members.
6. An agreement to maintain and protect its own finances. The group must maintain bank, financial, and tax exempt status separate from the school or District. The organization will provide to the Board annually or upon request a complete set of financial records or detailed treasurer's report.
7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board of Education's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation.

Parents and other interested community members who wish to organize a parent organization or booster club for the purpose of supporting a specific school program or activity are encouraged to do so as long as the activities of such organizations do not interfere unduly with the total educational program or disrupt District operations in any way. To this end, parent organizations/booster club/support organizations must follow these guidelines:

1. be voluntary;
2. submit an activity schedule in advance to the Superintendent of Schools or his/her designee for prior approval. Any time a booster club uses the name of the District or any language suggesting that the District has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent or his/her designee;
3. seek advance approval for any use of school facilities and/or equipment and such use will comply with all policies and regulations established by the Board;
4. avoid interference with any previously approved student activity;
5. seek approval in advance of all fundraising activities by the Superintendent or building Principal;
6. understand and respect the authority of District employees in the administration of their duties; and
7. assume all financial responsibility for the booster club, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster club wishes to make a contribution of money, service time or tangible property such as equipment or supplies, a representative of the organization should first meet with the Superintendent or his/her designee. The Superintendent or his/her designee must identify the District's terms and conditions of accepting such gifts in concert with the District's policy pertaining to gifts, grants and bequests.

Booster club proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extracurricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

The Board retains final responsibility and authority on all activities which have an impact on students, school programs and/or school owned property.

Further, the Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. Therefore, if booster clubs provide benefits, services or tangible property that assist only teams or programs of one gender, the Board shall ensure that teams or programs of the other gender receive equivalent benefits, services or tangible property. If a booster club provides benefits, services or tangible property which are greater than that which the District is capable of providing to the athletes or programs of the other gender, the administration shall take action, within policy parameters, to ensure equivalency for both sexes.

Alternative/Additional Language:

The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" or "beneficial" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned

approval by the Superintendent of Schools or his/her designee (Board of Education).  
The Board reserves the right to revoke approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.

(cf. 1110.1 - Parental Involvement)  
(cf. 1210 - School Community Associations)  
(cf. 1330 - Use of School Facilities)  
(cf. 3280 - Gifts, Grants and Bequests)  
(cf. 3281 - School Fund Raising)  
(cf. 3515 - Community Use of School Facilities)

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

## Students

### Search and Seizure

#### Introduction

Exercise of the school system's right to search a student's possessions, desk or locker involves the recognition of the need to protect the individual's rights and the need to maintain a safe and orderly environment in the school. As with all decisions involving this balance, administrative judgment must be exercised. The Supreme Court has established a two fold standard to weigh whether fourth amendment protections are being upheld in searches conducted by school officials.

The first prong of the test is the standard of "reasonable suspicion" that the student has violated the law or school rules and that contraband\* will be found.

For example, reasonable suspicion may be said to exist if the administrator actually sees the student with the contraband or when it is reported by a reliable eyewitness or informant.

The second prong requires that the search be conducted in such a manner as "not to be excessively intrusive in light of the age and sex of the student and the nature of the infringement."

For example, a search of a locker or desk, which is property owned by the school, is less intrusive than search of a student's briefcase or gym bag. Search of the briefcase or gym bag is less intrusive than search of a purse; search of a purse is less intrusive than search of a student's pockets. In terms of the nature of the infringement, a search for a dangerous substance would justify a more intrusive search than for a missing pen, etc.

#### Limitations on Searches

**No strip searches:** Searches that involve removal of any clothing other than an outer garment, (i.e., coat, jacket or sweater worn over another shirt, blouse, dress etc.) hat, shoes, gloves, etc., are not permitted. Searches that involve touching or inspecting the body or "pat downs" are not permitted. If the administrator believes such a search is warranted by the magnitude of a suspected criminal offense and the nature of the circumstances, local law enforcement officials shall be contacted and efforts will be made to contact the student's parents. The Superintendent will be notified as soon as possible, and kept informed.

**No mass searches:** Reasonable suspicion must point specifically toward an individual or a particular group or their property.

**Police need Warrants:** No law enforcement officer may conduct a search of a student's desk, locker or automobile unless a valid search warrant has been obtained and presented to school authorities.

## **Students**

### **Search and Seizure**

#### **Searches in School**

~~Searches during school hours may be conducted only by the Principal or another administrator (i.e., Vice Principal or Dean) acting as the Principal's authorized designee. After school hours, or at other times if no administrator is in the building, the staff member in charge of the activity is considered to be the authorized official.~~

~~An administrator may search a student's locker, desk, property (e.g., purse, gym bag, lunch box, briefcase, etc.) or automobile on school grounds, and may have a student empty his or her pockets, or remove shoes, hat, gloves or outer garment (i.e. overcoat, jacket, sweater, etc. worn as second layer over another shirt, blouse, sweater dress etc.)~~

~~Searches of a locker, desk, automobile or other property are to be conducted in the presence of the student whenever possible, and at least two observers, one of who must be the same sex as the student.~~

~~The administrator should make a written record of the search. Records are handled in accordance with Board Policy 5125, Student Records.~~

~~Parents will be notified whenever a search is undertaken and will be given a copy of the written record of the results of the search.~~

~~An administrator who has a question about whether a search is appropriate, should consult with the Superintendent of Schools before conducting the search. All searches should be reported to the Superintendent as soon afterward as is feasible and the Superintendent should be kept informed of ensuing proceedings.~~

#### **Searches Off School Grounds**

~~Any search of a student or a student's property or a room in which the student is staying that may occur during a school activity off school grounds shall be governed by these procedures. Such searches may not be conducted by parents or chaperones, but must be done by a school official. (If no administrator is present, the teacher in charge of the activity is considered to be the authorized school official.)~~

~~Written notice of this provision is to be included with information given to students and parents about the off-campus activity.~~

## Students

### Search and Seizure

#### Notification

~~Students will be provided annual notice of these procedures through publication in the student handbook and/or other means.~~

#### Exceptions

~~Exceptions to the provisions of this policy are permissible in cases of life-threatening emergency or a situation where immediate danger to a student or to the school community exists.~~

~~\*Contraband defined as: alcohol, controlled drugs or other intoxicating substances; poison or other harmful substances; flammables, firecrackers or other explosives; firearms or other weapons; and stolen property.~~

#### 1. Search of a Student and the Student's Effects

A. Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her effects may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The way the search is conducted should be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

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

A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

A. If the school administration reasonably suspects that a pupil is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.

A. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

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

Use of drug-detection dogs and metal detectors, similar detective devices; and/or breathalyzers and other passive alcohol screening devices may be used only on the express authorization of the Superintendent, in accordance with such procedures as the Superintendent may devise.

Legal Reference: ~~Connecticut General Statutes~~

~~10-221 Boards of education to prescribe rules~~

~~Conn. Gen. Stat. §10-221~~

~~Conn. Gen. Stat. § 54-33n, Searches~~

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

Policy adopted: ~~\_\_\_\_\_~~ June 2, 1988

Revised:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Personnel – Certified-Non-Certified

### Social Networking By Staff

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board  ~~,and~~ acknowledges, for example, ~~that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law. However, the Board will regulate the use of social media by employees, including employees’ personal use of social media, when such use:~~

Ordinarily, the use of social media by employees, including employees’ use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) ~~interferes-~~ disrupts or undermines the effective operation with the work of the school district;
- 2) is used to engage in harassing-, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications ~~coworkers or other members of the school community;~~
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- ~~5) disrupts the work of the school district;~~
- ~~6) harms the goodwill and reputation of the school district in the community; or~~
- ~~7)5)~~ violates the  
law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

#### Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-~~48d~~40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Policy adopted: ~~\_\_\_\_\_~~ April 11, 2011

Policy revised: \_\_\_\_\_

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

# Business/Non-Instructional Operations

## School Activity Funds

One student activity account/fund shall be maintained for each Ansonia school. These accounts will be maintained in accordance with Section 10-237 of the Connecticut General Statutes. Each school’s student activity account/fund will be managed/administered in the Board of Education central office.

~~Student activity funds in the Westport Public Schools shall be established and maintained in accordance with state statutes.~~

~~The Assistant Superintendent for Business or his/her designee, shall have the responsibility and authority to implement through the Principals all policies and rules pertaining to the supervision and administration of student activity funds.~~

The Principal ~~of the individual school shall~~will be designated as the account t~~Treasurer of this account. A bookkeeper shall be designated to keep accounts.~~

Treasurer in accordance with Section 10-237. He/she shall establish regulations governing the collection and dispersion of all funds as well as cash and bank statement reconciliation. Such regulations, following review of the City auditor, shall be submitted to the Business Manager for approval and enactment.

Sub-accounts shall be maintained for each student activity as by the approved Board of Education and a general cumulative account ledger shall also be maintained for handling funds collected in the name of the school.

A class in its senior year, or an organization that is disbanding, shall determine at a regularly-called meeting, its preference for the disposition of any funds remaining after all financial obligations have been discharged. Such disposition shall be subject to the review and approval of the administration. Any sums of money expended and for which no disposition has been made shall be transferred to the education affairs account of the school activity fund after the first class reunion or the organization has disbanded.

Gifts, grants, and bequests in cash or checks shall be deposited in the student activity fund and used for the educational benefit of students.

The accounts of the student activity fund shall be considered BOE accounts and audited in the same manner as all other BOE accounts.

~~Disbursements shall be authorized by the Principal upon receipt of properly approved vouchers. The signatures of the Principal and the bookkeeper shall validate checks.~~

Legal Reference:  Connecticut General Statutes  
 10-237 School activity funds.

Policy adopted: March 2007

WESTPORT PUBLIC SCHOOLS

Revised:

Westport, Connecticut