

**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: March 3, 2020, *pages 1-2*

**DISCUSSION:**

1. Continued Discussion of the Following:
  - Policy 1700, "Deadly Weapons or Firearms" (New), *pages 3-5*
  - Policy 3516.5, "Sexual Offenders on School Property" (New), *pages 6-8*
  - Policy 1230, "Booster Clubs" (New), *pages 9-28*
  - Policy 3453, "School Activity Funds" (Revision), *pages 29-30*
  - Policy 5145.12, "Search and Seizure" (Revision), *pages 31-34*
  - Policy 1250, "Policy Regarding Visitors and Observations in Schools" (Review), *pages 35-38*
2. First Reading of the Following:
  - Policy 6142.63, "Pool Safety Plan" (New), *pages 39-56*
  - Policy 5142.4, "School Resource Officer" (Revision), *pages 57-80*
  - Policy 6159, "Individualized Education Program" (Revision), *pages 81-90*
  - Policy on Hate-Based Conduct (New), *pages 91-93*
  - Policy 5145.4, "Non-Discrimination" (Revision), *pages 94-98*
  - Policy 5145.42, "Racial Harassment of Students" (New), *pages 99-100*
  - Policy 1511, "Non-Discrimination" (Revision), *pages 101-105*
  - Policy 0525.1, "Anti-Racism" (New), *pages 106-120*
  - Sample Language for Survey Notification (New Appendix A to policy 6162.51), *page 121*
  - Bylaw 9323.1, "Consent Agendas" (New), *page 122*
  - Policy 3516.4, "Sex Offender Notification" (New), *pages 123-124*

### 3. 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**

Thomas Scarice                  Superintendent of Schools (present 8:05-9:00 a.m.)  
Anthony Buono                  Assistant Superintendent for Teaching and Learning (departed at 8:56 a.m.)  
Michael Rizzo                    Assistant Superintendent for Pupil Personnel Services (departed 9:00 a.m.)  
John Bayers                      Director of Human Resources (departed 9:38 a.m.)

**PUBLIC SESSION/CALL TO ORDER:** 8:01 a.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

**MINUTES:** Karen Kleine moved to approve the minutes of February 3, 2021; seconded by Lee Goldstein. (2-0-0).

**DISCUSSION**

1. Continued Discussion of:
  - Policy 6162.51, "Surveys of Students/Student Privacy" (Revision)
2. Second Reading of the Following:
  - Policy 1332 Automatic External Defibrillators (New)
  - Policy 1700, "Deadly Weapons or Firearms" (New)
  - Policy 3524.1, "Pesticide Application on School Property" (Policy Needed for Regulation)
  - Policy 3516, "Security and Safety Plan" (New)
  - Policy 3516.5, "Sexual Offenders on School Property" (New)
  - 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. First Reading of:
  - Policy 1250, "Policy Regarding Visitors and Observations in Schools" (Review)
  - Policy 6142.63, "Pool Safety Plan" (New)
4. Review January 2021 CABE Policy Service Update

The following policies will be moved to the full Board for discussion: Policy 41332, "Automatic External Defibrillators" (new), Policy 3516, "Security and Safety Plan" (new), and Policy 4118.55 "Social Media" (revision and number change to 4118.51).

**ADJOURNMENT**

Meeting adjourned at 9:58 a.m.

Respectfully submitted,  
Jennifer Caputo

## Community Relations

### 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.~~

~~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.~~

### 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.

### Legal References:

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

Policy approved:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

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## Business/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 ([https://www.communitynotification.com/cap\\_main.php?office=54567](https://www.communitynotification.com/cap_main.php?office=54567)). 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. 1411-Relations with Law Enforcement Agencies)

(cf. 3516-Safety)

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:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

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# BOOSTER GROUPS AND PARENT ORGANIZATIONS

PAGE 1

*(Background Information for Policy Review Committee)*

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Booster and parent organizations are composed of parents, community members and staff members coming together for the purpose of supporting specific school activities for the benefit of students, such as athletic teams, musical groups, drama groups or academic activities. Such groups are commonly referred to as school-connected organizations. They are an important means of connecting parents and other community members with the curricular and co-curricular activities of students.

In addition, many districts, in response to budget constraints, continue to rely more on alternate sources of revenue to support non-classroom and extracurricular activities. Fundraising by outside support organizations, such as booster clubs and parent groups is increasingly used to supply sports and band equipment, playground equipment, fund field trips and provide other activities or items that may be more difficult to fund through a district's operating budget.

This alternate source of revenue, however, may pose some legal and political consequences, but it remains unreasonable to expect that school districts would disassociate themselves with such outside support organizations and their valuable financial support. Some potential trouble spots are described in the following material. Taking a proactive approach in dealing with booster clubs and parent groups will result in school districts reaping the benefits of support from their dedicated community members and reducing potential liability issues.

## **Potential Trouble Areas**

Typical fundraising activities by booster and parent groups include activities that may include some risk of injury, which may result without proper supervision or sufficient safety measures. The relationship between the outside organization and the school district may dictate who will be responsible in a potential negligence lawsuit. A booster or parent group which is indistinguishable from the school district could result in the district being held responsible for the group's negligence. Factors to consider include (1) whether the group is permitted special access to school facilities and communication forums; (2) school employees routinely assisting in the group's activities; (3) routine use is allowed of the school's name, mascot, or logo; (4) the group is not a separate legally established not-for-profit corporation; and (5) announcements for group-related functions do not provide a clear indication of whether the event is sponsored by the group or the school district.

Another potential problem pertains to the possibility of embezzlement of funds from these groups. There is often a public perception that the district oversees and controls the organizations. This creates a public relations situation for the school district if it fails to take an active role in recovering or reimbursing the embezzled funds, should embezzlement occur.

Discrimination is also a potential trouble spot. Under Title IX, donations by booster clubs may not create vast differences in benefits or services to female and male athletes. Even though the school district is not the direct source of the financial support, Title IX imputes liability to the school district if unequal treatment occurs as a result of the actions of a booster club. Districts have an obligation under Title IX to ensure that the contributions of a booster club do not create disparities in participation opportunities, equipment, and facilities between male and female athletic teams.

## **BOOSTER GROUPS AND PARENT ORGANIZATIONS**

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Failure to ensure equity could result in court ordered penalties or sanctions administered by the Office of Civil Rights (OCR).

OCR stresses that it is the school district's responsibility under Title IX to ensure that boys' and girls' athletic teams are provided with equivalent benefits, services, or opportunities regardless of the source of funding. OCR has no jurisdiction to investigate independent booster groups, but it provides the following guidance on assessing a school district's ultimate responsibility for ensuring Title IX compliance in regards to booster donations:

Where booster clubs provide benefits and services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent to both sexes.

In short, school districts are responsible for Title IX compliance regardless of whether the disparate benefits are created by booster clubs or other sources of outside financial assistance.

In addition, it is important that booster clubs do not violate established athletic (CIAC) association regulations. Such violations could provide the basis for the association to impose various penalties.

In order to limit the risk of school district liability for the activities of booster clubs and parent groups, certain measures are recommended. These measures are outlined below.

### **Policies and Procedures**

The adoption of appropriate board policies and administrative regulations is recommended. These should clarify the relationship between the school district and its booster clubs and parent groups. Groups and clubs that are not incorporated under law as not-for-profit corporations could be categorized as "internal groups" under school district policies. These groups would be subjected to greater district oversight, which would require the groups' income to be deposited in the school's internal accounts and subjects the groups to all policies and procedures related to receiving and disbursing funds.

Other groups and clubs that have incorporated could be classified as "external groups" or independent organizations with bank accounts separate from the school district. Booster groups and related parent organizations need to be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond and/or arranging regular audits. In order to minimize liability, the school district's errors and omissions insurance should cover parent organizations and booster clubs.

The policy and/or regulations should provide parameters for using the school district's name, logo or mascot. Such use should be revocable and contingent upon complying with school district policies.

## **BOOSTER GROUPS AND PARENT ORGANIZATIONS**

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The district could also require accounting procedures for “external groups.” Such procedures could include the following specific accounting practices to include (1) the treasurer of the group to handle all funds; (2) two signatures required for all checks; (3) funds to be always deposited into the authorized bank account; (4) two people count money and provide the treasurer with a signed proceeds receipt; (5) school employees shall not be authorized to sign checks drawn on the bank account; (6) sales slips, receipts, or invoices are provided for every expenditure; (7) bank statements are reconciled by the treasurer and reviewed by someone without check signing authority; and (8) a copy of the budget shall be provided to the school or district at the beginning of each school year.

The policy and/or procedures could also require prior written approval of the group’s activities by a building principal or designee. Announcements of the event should clearly indicate that it is sponsored by the group and not the school or school district.

### **Insurance**

A general liability insurance policy should be maintained by booster clubs and parent groups. The policy should name the school district as an additional insured party. In some cases, coverage for liability claims made against individuals participating in booster club or parent organization events are limited to events that are sponsored by the school district in cooperation with the outside group. Some policies may only cover booster clubs and parent groups for events during school hours or on school property.

Therefore, it would be prudent for school districts to seek complete coverage by mandating that the outside support organizations obtain comprehensive liability policies and consider property coverage, officer’s liability, and bond coverage for the treasurer or fund custodian.

### **Audits**

Audits help provide a defense against embezzlement and fraud. Therefore, booster clubs and parent groups should be encouraged, if not required, to conduct annual audits of their financial records. The audit should be performed by someone who is independent from the group’s day-to-day financial activities. The completed audit should be presented to the group’s board of directors and also filed with the school district.

### **Record Keeping**

Compliance with Title IX places an obligation on school administrators to monitor the distribution of all benefits to athletic teams provided by the school district and booster clubs.

### **Sharing Information**

Booster clubs and parent groups should receive information on policies relating to sexual harassment, nondiscrimination, fundraising, alcohol and drug-free schools, facility use, donations, advertising, and other issues that could affect the organization and their activities. The athletic booster clubs should also be made aware of pertinent high school athletic association regulations that cover undue influence, compensating coaches and out-of-season activity restrictions.

## **Policy Implications**

Policy #1230, “Parent Organizations and Booster Clubs,” and its accompanying administrative regulation pertain to this topic. This is considered an optional policy for inclusion in a district’s policy manual. It has been updated and follows for your consideration. In addition, a new version of this policy has also been developed and follows.

**April 2020**

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*Version #1 of this sample policy to consider.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs**

Parent organizations and booster clubs are invaluable resources to the District's schools. The Board of Education (Board) 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. All such groups must receive the approval of the school Principal, Superintendent and the Board in order to be recognized as a parent or booster organization.

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. It shall be the duty of the Superintendent and respective Building Principal to represent the best interest of the Board and school system in the functioning of these organizations.

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.

The Superintendent or his/her designee may revoke the authorization to use the District's name, logo, or mascot if the Superintendent or designee determines that the booster or parent organization has failed to comply with the terms of this policy or any other District policies. The Superintendent or designee will notify the applicable organization in writing of the reasons for the revocation. The revocation decision may be appealed to the Board, whose decision shall be final.

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.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs** (continued)

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;



## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs** (continued)

7. assume all financial responsibility for the booster club, including but not limited to the provision of adequate insurance coverage, as appropriate; and
8. submit an annual financial report to the Superintendent or his/her designee (or Building Principal) giving a full accounting of its financial transactions for the year, including monies raised and expended. Adequate financial records shall be maintained at all times.

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.

All items donated become the property of the District and may be used or disposed of in accordance with District policy and any applicable state law. The District reserves the right to modify the use if the needs of the students or the District change.

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. The Board will consider gender equity and budget implications before accepting booster club donations. 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.

## Community Relations

### Other School-Connected Organizations

#### Parent Organizations and Booster Clubs (continued)

##### 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. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (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.

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

##### Policy adopted:

cps 1/01  
rev 11/08  
rev 4/20

*Version #2 of this sample policy to consider.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations**

The Board of Education recognizes that booster clubs perform a valuable service to the schools, and the Board expects school personnel to support such organizations accordingly. It shall be the duty of the Superintendent and respective principals to represent the best interests of the Board, school system and schools in the functioning of such organizations.

Each booster club which is involved with school activities or school students shall develop and maintain a constitution and bylaws setting forth the purposes of the organization and the general rules and procedures by which it shall operate. Each booster club shall provide a copy of its constitution and bylaws, and any revision thereof, to the Superintendent or his/her designee.

Booster clubs shall secure the advice and approval of the Building Principal before planning any function, including fundraising activities, in which students are to participate while under supervision of the District.

A booster organization shall secure the prior advice and approval of the Building Principal before planning any fund-raising activity intended to benefit a school program. The Principal shall suggest needs of the school, including those not requiring fund-raising, that are conducive to the active involvement and significant numbers of interested parents in meaningful service to the school and its students.

Each booster organization shall establish its own system for handling and disbursing its funds; however, all applicable Board policies must be followed when expenditures are for school activities or when funds are to be raised through the use of students and District facilities.

Any item purchased by booster clubs for school or school activity use shall become the property of the District, and may be used or disposed of in accordance with District property and any applicable state law. The District reserves the right to modify the use if the needs of the students or District change.

The Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. The Board will consider gender equity and budget implications before accepting booster club donations. Therefore, appropriate actions will be taken to ensure that benefits and services are equivalent for both sexes, regardless of funding sources.

The Superintendent is directed to develop regulations containing guidelines by which booster clubs shall operate in the District. Such guidelines shall include, but not be limited to, such topics as permissible awards, fund raising, insurance requirements, annual reporting, use of facilities, recognition functions, concessions at school events and expenditures for student equipment and supplies.

## Community Relations

### Other School-Connected Organizations

#### Booster Clubs/Organizations (continued)

Permission to use the name of the District or any District school, or logos or mascots may be rescinded at any time and does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos. The Superintendent or his/her designee may revoke the authorization to use the District's name, logo, or mascot if the Superintendent or designee determines that the booster or parent organization has failed to comply with the terms of this policy or any other District policies.

#### Alternative 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 (alternative: 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" 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 (and/or 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. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (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.  
34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Policy adopted:  
rev 11/08  
rev 4/20

*A detailed sample regulation to consider/modify.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations**

Booster organizations are important to the extracurricular activities provided for District students. Such organizations provide positive support to the students, the program, and the personnel in a particular program. Booster organizations shall comply with established guidelines in cooperation with the Superintendent or his/her designee. The following guidelines regulate booster organization within this District.

##### **1. Constitution/Bylaws/Officers**

Each booster organization involved with school activities or students shall develop and maintain a constitution and bylaws for the organization setting forth the purposes of the organization and the general rules and procedures by which it shall operate. A copy of the constitution and bylaws shall be forwarded to the Superintendent or his/her designee. Each booster organization shall submit a list of officers annually to the Superintendent or his/her designee.

##### **2. Fund Raising Activities**

Fund raising activities shall be requested in writing to the Building Principal, reviewed at the building level, approved by the Superintendent or his/her designee and conform to District guidelines. Two (2) major fund-raising activities involving students shall be permitted each year; exceptions may be granted by the Superintendent. Fund-raising activities may occur during the length of a particular athletic/sport season or as a special activity approved by the Superintendent or his/her designee. No student time during the regular school day shall be allowed for fund-raising activities for any booster organization. Student solicitation within the community for any booster organization shall be minimal.

Announcements of booster organization events and activities shall clearly indicate that it is sponsored by the group and not the school or District. Groups should warrant that the activities will be adequately supervised.

##### **3. Permissible Awards**

An approved booster organization may purchase a sweater, jacket, blazer, blanket, shorts, jersey, cap, watch, ring, photograph, medal, plaque, or similar trophy with appropriate insignia of comparable identification, for an athlete, in recognition of his/her athletic performance, and present such awards at a time appropriate to such recognition.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations** (continued)

##### **4. Insurance**

Each booster organization shall maintain appropriate insurance coverage recommended by the District for bodily injury and property damage, naming the District as additional insureds. Proof of such coverage shall be submitted to the District's Business Office.

##### **5. Audit/Treasurer's Report**

Booster organizations shall handle their own accounting and bookkeeping procedures and maintain their own separate accounts for income and expenditures.

Each booster organization shall prepare an audit or treasurer's report at least once a year. A copy of the audit/treasurer's report shall be submitted to the Superintendent or his/her designee and forwarded to the Board of Education upon request. Such report shall provide a full accounting of the organization's financial transactions for the year, including money raised and expended.

##### **6. Use of Facilities**

Booster organizations requesting use of facilities and/or services shall initiate those requests with the Building Principal and in compliance with the District's policy on facility usage. No activity shall be permitted without such approval.

##### **7. Recognition Functions**

A booster club may sponsor athletic banquets to which student athletes may be invited without charging admission to such athlete.

A booster club planning a recognition event shall request permission of the Building Principal to conduct such an event and to clear the date for the event.

##### **8. Concessions**

Booster organizations involved in concessions at school events shall follow applicable District guidelines.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations** (continued)

#### **9. Expenditures for Equipment, Supplies, etc.**

All game uniforms shall be purchased by the District. The “game uniform” shall include any clothing, headgear or shoes that (a) display the school colors or logo (except shoes), (b) are purchased by the District, (c) are worn in warm-up for a contest, during the contest, or immediately subsequent to the contest, and (d) is intended to be collected by the school at the conclusion of the season. Ancillary gear and apparel such as coaching aid equipment items, shoes, bags or totes, etc., may, however, be purchased and/or donated by booster groups, corporate sponsors, or other non-school sanctioned entities. Items purchased or donated other than by the District must meet the criteria as defined below:

- The donation/purchase of goods shall meet all applicable policies and procedures of the District;
- The donation/purchase of goods shall adhere to all applicable Board policies and guidelines;
- The donation/purchase of goods shall have the written approval of the Building Principal and Athletic Director prior to any deliberations commencing with a potential provider;
- Any donation of goods may not be in conflict with any District-level sponsorships that may be in effect;
- Any agreement or contract proposed shall be reviewed by the District’s attorney and the Superintendent or his/her designee;
- Consideration must be given to the impact of booster organization purchases, donations or services on Title IX compliance. Approval will be based on maintaining the necessary equivalence of benefits and services to both genders.

#### **10. Compliance**

Should any situation emerge between a booster organization and the administration regarding the management of any school-related activity, the Superintendent or his/her designee shall resolve the issue within these established guidelines or Board policy. No booster organization shall engage in any activity outside these guidelines. Further, in conducting its activities, booster organizations shall comply with all state and federal laws, as applicable.

## Community Relations

### Other School-Connected Organizations

#### Booster Clubs/Organizations (continued)

##### Other language to consider:

- *The organization may not use school materials in advertising its activities.*
- *All funds raised by the booster organization will be used to achieve the stated purposes and goals of the organization. No administrative fees or stipends to officers or others will be permitted.*
- *The booster organization must maintain bank, financial, and tax exempt status separate from the District.*

(cf. 1110.1 - Parental Involvement)

(cf. 1140 - Distribution of Materials by Students)

(cf. 1210 - School Community Associations)

(cf. 1323 - Gifts to Students)

(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

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Regulation approved:

rev 11/08

rev 4/20



*Another version of this sample policy to consider.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs**

The Board of Education (Board) recognizes the importance of athletic and extracurricular activities in the well-rounded development of public school students. Participation in such athletic and activities programs builds character, a sense of responsibility and discipline, and promotes proper conduct, all of which are central to the educational mission of the District.

The Board further recognizes the contribution and support which its athletic, extracurricular activities and educational programs receive from parents and members of the community who have organized booster clubs, parent-teacher organizations (PTO's/PTA's) and other support groups with similar purposes. This policy is adopted to define the relationship between the Board of Education and athletic booster clubs, PTO's and similar groups whose purpose is to support the school District's athletic activities and educational programs.

#### **Group Status**

Booster clubs and parent-teacher organizations (PTO's/PTA's) are neither school-sponsored clubs nor student-initiated clubs as those clubs or groups are defined in Board policy. Booster clubs and PTO's/PTA's shall constitute "outside clubs or groups" which are school-related but must meet the terms of this policy in order to use the School District's or an individual school's name, mascot or logo and to use School District facilities as a school-related organization.

#### **Booster Clubs**

Booster clubs for such activities including, but not limited to, athletics, band, cheerleading, drama, choir, fine arts or academic activities are welcome to form, support and assist such student activities or programs, both financially and with volunteer assistance. Booster clubs must comply with the requirements of this Policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization.

A booster club must prepare and submit to the Board of Education a copy of its organizational bylaws and constitution by presenting the same to the Superintendent of Schools prior to initiating such support or assistance. All booster organizations must operate within the applicable standards and guidelines set by the Connecticut Interscholastic Athletic Conference (CIAC), and shall not either promote, encourage or acquiesce in any violation of student or team eligibility requirements, conduct codes or sportsmanship standards.

Upon formation and annually thereafter, each booster club shall provide the Superintendent with the names, telephone numbers and addresses of each officer of the booster club, and the position held.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs (continued)**

##### **Parent Teacher Organizations**

The Board encourages the formation and operation of parent-teacher organizations at each school site or campus in the School District to provide financial support or volunteer assistance to the school. Parent-teacher organizations must comply with the requirements of this policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization. Each parent teacher organization shall prepare and submit to the School Board a copy of its organizational bylaws and constitution to the Building Principal and the Superintendent prior to initiating such support or assistance. Upon formation and annually thereafter, each organization must provide the Building Principal and the Superintendent with the names, telephone numbers and addresses of each officer of the organization, and position held.

##### **Accounting by Booster Clubs and PTO's/PTA's**

Each booster club or parent teacher organization must have its own checking account and the bylaws for the group must require two signatures for any disbursement from that account. Booster club or PTO/PTA funds and accounts are not District accounts and will not be included in the District's budgeting and accounting for annual District audit purposes. Funds collected by the booster club or PTO/PTA are not to be deposited into the District's student activity accounts.

However, as an express condition to the Board's consent for the booster club or parent teacher organization to use the District's name, school name, school or District mascots or logos, or to use District facilities as a school-related organization, the booster club or PTO/PTA shall conduct an annual accounting or audit of its receipts and disbursements and submit a financial or audit report, performed in accordance with generally accepted auditing principles, to the Superintendent of Schools by October 1 of each calendar year. In the alternative, the booster club or parent teacher organization shall permit the District's school finance director or designee to audit the accounts of the booster club or PTO/PTA on request, no less than annually. Officers of a booster club or PTO/PTA shall be responsible for safeguarding any funds raised by the organization and to ensure that funds are spent only for purposes related to the goals and objectives of the booster club or PTO/PTA, and the published or advertised reasons for the particular fund-raising activity. The organization's bylaws shall specify reasonable procedures for internal financial control which shall be reviewed by the District's finance director.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs**

##### **Accounting by Booster Clubs and PTO's/PTA's (continued)**

The booster club or PTO/PTA shall not represent or imply that its activities, contracts, purchases, or financial commitments are made on behalf of or binding upon any school of the School District or the School District itself. Such a statement shall appear on all purchase orders, contracts or other forms of financial commitment issued by the booster club or PTO/PTA.

#### **Fundraising**

Each booster club or parent teacher organization shall hold a limited number of (or: be limited to two) fundraisers each school year which involve students in fundraising activities outside of the school setting. Booster clubs and PTO's/PTA's shall notify and obtain the approval of the Superintendent of Schools or his/her designee to assure that scheduling of fundraisers does not conflict with District programs or activities, and that the fund-raising process is consistent with the goals and mission of the school or District.

School employees, including athletic coaches, trainers or sponsors of school-sponsored student groups, shall not act as the primary organizers or spokespersons for any booster club or PTO/PTA fundraising event. Participation in fundraising activities by a booster club or PTO/PTA shall not be considered as a factor in a student's level of participation in any school activity or athletic program.

#### **Title IX Compliance**

The Board discourages the formation or organization of booster clubs which sponsor, assist or support student activities or athletic programs which predominantly serve student participants of a single sex. In order to assure that contributions or support by booster clubs and PTO's/PTA's do not create inequities or significant disparities in the program, equipment and facilities made available to students participating in single sex sports, the booster club or PTO/PTA shall only donate funds or tangible personal property contributed to the District's educational, extracurricular or athletic programs, by program or sport, through Board Policy #3280. Support provided to a single athletic program, regardless of source, must be included in the District's evaluation of its overall athletic program and the comparability of benefits made available to male versus female athletes.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Parent Organizations and Booster Clubs**

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (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.

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Policy adopted:

cps 4/20



## 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. [1140](#) - Distribution of Materials by Students)
- (cf. [1210](#) - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (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.

Policy adopted:

# Business/Non-Instructional Operations

## School Activity Funds

One student activity account/fund shall be maintained for each Ansonia Westport 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 ~~†~~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.

**Series 3000  
Business**

**SCHOOL ACTIVITY FUNDS**

The Superintendent or his/her designee may establish school activity funds to handle any of the following: 1) the finances of that part of the cost for the school lunch program that is not provided by local appropriations; 2) the finances of that part of the cost of the driver education program that is not provided by local appropriations; and/or 3) such funds of schools and school organizations as the Superintendent or his/her designee may determine to be in the best interest of the school district (which funds may include amounts received as gifts or donations).

The Superintendent or his/her designee shall designate a person to serve as treasurer of any school activity fund. Such treasurer shall be bonded and shall keep separate accounts for each school activity fund. The treasurer may expend monies from the school activity funds only to the extent such expenses are in furtherance of the stated purposes of the school activity fund, and subject to any restrictions imposed by the Superintendent or his/her designee at the time the school activity fund is established or subsequently. The control of school funds and funds of any school organizations shall remain in the name of the respective schools and organizations.

The accounts of any school activity fund shall be considered town accounts and shall be audited by the town auditor in the same manner as all other town accounts.

Legal Reference:

Conn. Gen. Stat. §10-237.

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

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

Last revised 1/27/05



## 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.

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

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

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

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

## Community Relations

### **POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building during the school day. The Board, through the administration, reserves the right to grant access to school buildings in accordance with the school's prescribed procedure for scheduling, as applicable and administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board's schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board's Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times. All visitors and observers permitted into school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict visitors based on the guidance of federal, state, and local health authorities.

#### Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

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

Policy Adopted: November 5, 2018  
Revised August 13, 2020 (sunsets July 1, 2021)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

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

**POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

The \_\_\_\_\_ Board of Education (the “Board”) encourages visits by citizens, taxpayers, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board, through the administration, reserves the right to limit visits in accordance with administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board’s schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board’s Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times.

Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

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

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

8/12/18



## Community Relations

### School Visitors

The Board of Education (Board) and staff of the school district welcome and strongly encourage members of the community and other interested persons to visit the schools. Such visits shall be regarded as expressions of interest in school affairs and/or efforts to become informed about school programs and activities.

The Superintendent shall establish regulations which:

1. Encourage school visitations.
2. Provide for appropriate hospitality for visitors.
3. Channel expressions of approval and constructive criticism to the Board of Education.
4. Ensure that public visits will not hinder the educational program.
5. Require all visitors to register in the principal's office upon arrival at the school.
6. Ensure student safety.

Visits to individual classrooms during instructional time shall be permitted only with the Principal's and teacher's prior approval. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. When a visit involves a conference with a teacher or the Principal, an appointment should be scheduled during non-instructional time.

The Board desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe the students in their current classrooms or observe proposed educational placements in the Board's schools. The Board, through its administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board's Guidelines for Independent Educational Evaluations.

Since continuity in classrooms is often difficult to achieve and maintain, while visiting in a classroom, a visitor must not interrupt the class in any way, nor speak to (unless invited to do so) or disturb the students or teacher.

Although Board of Education members are encouraged to visit schools independently, they have authority only in regularly called meetings of the Board of Education, or when delegated specific tasks by specific Board of Education action.

Optional: The Superintendent, working with building administrators, shall develop and implement procedures regarding campus visitors who are identified as sex offenders. These procedures shall address (1) parental rights; (2) escort by District personnel; (3) access to common areas of the campus; (4) access to classrooms; (5) drop off and release of students; (6) eligibility to serve as volunteers; and (7) any other relevant issues.

The Principal or his/her designee shall have complete authority to exclude from the school premises any persons whom he/she has reason to believe are disrupting the educational programs in the classroom or in the school, are disturbing the teachers or students on the premises, or whom the Principal believes are on the premises for the purposes of committing an illegal act.

*Another version to consider:*

The Board and staff of the school district welcomes and encourage parents or guardians, members of the community, and other interested persons to visit the schools. To preserve the security of the schools, all visitors must check in at the main office where they shall be given whatever information or assistance is required. All visitors are required to wear school-provided identification badges for the duration of their visit.

*Another version to consider:*

The Board of Education encourages visits by citizens, residents, and parents to all school buildings. In order to

promote a safe and productive educational environment for all students and staff, the Board of Education requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board of Education, through the administration, reserves the right to limit visits in accordance with administrative regulations.

Upon arrival, all visitors must comply with any applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.

Legal Reference: Connecticut General Statutes

[53a-185](#) Loitering in or about school grounds: Class C misdemeanor

"Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations," Connecticut State Department of Education (March 28, 2018)

**Policy adopted:**



**POLICY REGARDING ADOPTION OF A  
SCHOOL SWIMMING POOL SAFETY PLAN**

The Westport Board of Education (“Board”) recognizes the value of offering student aquatic activities at the Board’s school swimming pool. The Board also recognizes the importance of keeping students safe during students’ use of such swimming pool for student aquatic activities offered by the Board. Such student aquatic activities include any physical education class, interscholastic athletics, or extracurricular activities offered to students by the Board that makes use of a school swimming pool.

Therefore, it is the policy of the Board to adopt a school swimming pool safety plan that ensures compliance with Section 10-220l of the Connecticut General Statutes and includes any other provisions deemed necessary and appropriate for ensuring the safety of students who use the Board’s school swimming pool for student aquatic activities. The Board hereby directs the Administration to develop and adopt a school swimming pool safety plan consistent with the foregoing objectives. The Board further directs the Administration to review and update the school swimming pool safety plan as necessary prior to the commencement of each school year.

Legal References:

State Law:

Conn. Gen. Stat. § 10-220l

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

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

# P.A. 13-161 AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS

PAGE 1

*(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)*

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This Act establishes and phases in statewide safety standards for public school swimming pools when being used for physical education classes, interscholastic activities, or extracurricular activities (i.e., student aquatic activities). The legislation applies to any pool a school board approves for such activities.

For the school year starting July 1, 2013, the Act requires that, in addition to the person conducting student aquatic activities at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present to monitor swimmers who may be in distress and to help them, when necessary.

For all school years, starting July 1, 2014, the law prohibits school boards from offering any physical education course or extracurricular activities, or permitting students to participate in interscholastic activities, at a school pool unless certain qualified attendants, as specified in the legislation, are present. In addition, by July 1, 2014, it requires all school boards offering such courses or activities at a school pool to adopt a pool safety plan ensuring compliance with the new law.

## **Pool Safety Standards for School Year Starting July 1, 2013**

For the school year starting July 1, 2013, the Act requires that, in addition to the person responsible for conducting any student aquatic activity at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present. The additional person must be solely responsible for monitoring the pool for swimmers who may be in distress and helping them, when necessary.

### ***Qualified Swimming Coach and Qualified Educator***

Under the Act, a “*qualified swimming coach*” is someone who holds a valid coaching permit issued by the State Board of Education (SBE). A “*qualified educator*” is someone who (1) holds a valid SBE certificate, with an endorsement in physical education; (2) is state-certified in cardiopulmonary resuscitation (CPR); and (3) has completed a first aid course offered by the American Red Cross, the American Heart Association, the Department of Public Health, or any director of health.

Both the coach and educator must also:

1. be certified as lifeguards by the American Red Cross or another nationally recognized organization that conducts aquatic training programs,
2. complete a safety training course for swim coaches and instructors offered by the American Red Cross or an SBE-approved organization, or
3. be certified as lifeguards for at least five of the previous 10 years and have 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.

### ***Qualified Lifeguard***

The Act defines a “***qualified lifeguard***” as anyone who (1) is age 16 or older; (2) is certified as a lifeguard by the American Red Cross or another nationally recognized organization that conducts aquatic training programs; (3) is certified in CPR under state law; and (4) has completed a first aid course offered by the American Red Cross, American Heart Association, Department of Public Health, or any health director.

### **Swimming Pool Safety Plan**

The legislation requires local and regional school boards that offer student aquatic activities to adopt, by July 1, 2014, a pool safety plan that ensures compliance with the Act and review and update the plan as necessary before the start of each school year. The plan must also include any other provisions deemed necessary and appropriate for ensuring the safety of students who use school pools for aquatic activities.

### **Pool Safety Standards for School Year Starting July 1, 2014**

For school years, starting July 1, 2014, the Act prohibits local or regional school boards from allowing students to participate in any interscholastic athletic activity, or offering any extracurricular activity or physical education course, at a school pool unless certain qualified individuals are present while the activities are taking place. It sets separate requirements for the different activities.

- A. **Interscholastic Activity:** There must be at least one qualified swimming coach who coaches the participating students and is responsible for implementing the school swimming pool safety plan. Additionally, at least one qualified educator, swimming coach, or lifeguard must be present whose primary responsibility is to monitor the pool for students in distress and provide help when necessary.
- B. **Extracurricular Activity:** There must be at least one qualified lifeguard to monitor the pool for swimmers who may be in distress and provide assistance to them when necessary. He or she must be responsible for implementing the provisions of the pool safety plan.
- C. **Physical Education Course:** There must be at least one qualified educator who serves as the course instructor and at least one other educator, swimming coach, or lifeguard whose primary responsibility is to monitor the pool for swimmers in distress and provide assistance, if necessary. The course instructor is responsible for implementing the pool safety plan.

The effective date of this new legislation is July 1, 2013.

### **Policy Implications**

A new policy has been developed pertaining to pool safety. It is policy #6142.63, “Aquatic Activity Safety (Pool Safety).” In addition to the policy, a new administrative regulation has been developed which contains sample elements of the statutorily required school swimming pool safety plan which must be in place by July 1, 2014 and adopted by the local board of education. Therefore, this is an administrative regulation that requires formal approval by the board of education to meet the Act’s requirement.

The policy and administrative regulation follow for consideration.

*July 2013*

*An optional sample policy to consider.*

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

Swimming is considered an important life skill. In addition, it is a highly beneficial activity for acquiring an increased movement vocabulary and skills, for health, for enjoyment and as a threshold skill, giving access to many other water-based recreational activities. It is one of the few activities that people can enjoy all their life either on their own or with friends and family of the same or different ages, whether just for fun or competitively. The Board of Education (Board) believes that we owe it to our students to give them the best chance to learn to swim, and as early as possible.

The Board believes it is fortunate to be able to have a pool in a school facility or to have access to a pool for aquatic activities. Therefore, safety is of paramount importance. Students are not allowed to utilize the pool for any aquatic activity without staff supervision as required by P.A. 13-161.

The instructional program serves as a vehicle and vital component of the health, physical education, and co-curricular activities within the District's public schools. The program's primary goal is to teach safety awareness, develop basic swimming skills, and enhance the proficiency level of all aquatic skills. The program also aims to improve personal and community safety skills and help students develop a commitment to lifetime fitness.

Students at the high school level may also participate in interscholastic swimming and diving competition. The athletic program shall provide opportunities for students to demonstrate swimming and diving proficiency through competitive events as well as an opportunity for students to excel and experience success, while promoting and applying concepts of teamwork, sportsmanship, respect for others and high standards of conduct and honor.

All District schools, which have swimming pools and/or any pool the Board approves for aquatic instruction and activities, and offer instruction in swimming and/or diving are covered by this policy. In addition those schools also may offer extracurricular aquatic activities, including swimming and diving teams. This policy is designed to promote safety for students, staff, and community members by requiring appropriate staffing, a swimming pool safety plan, and appropriate water safety equipment at these pools while any aquatic activities are being conducted. All persons involved in the instruction, supervision, and coaching of such activities shall be appropriately certified and trained.

This policy applies to all aquatic activities. Aquatic activities include swimming, wading, diving, water polo and any other curricular and extracurricular activities the District conducts in or in any pool owned, leased, or used by the Board of Education, including those used by local District students during approved out-of-town field trips.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)** (continued)

#### **Definitions**

**School swimming pool** means any swimming pool approved for use by a local or regional Board of Education for student aquatic activities.

**Student aquatic activities** means any physical education class, interscholastic athletics or extracurricular activities offered to students by the Board of Education that makes use of a school swimming pool.

**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.

**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 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.

**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.

## Instruction

### Physical Education

#### Aquatic Activity Safety (Pool Safety) (continued)

#### Minimum Staffing and Qualifications

Any physical education course using a swimming pool shall have at least one qualified/certified instructor with an endorsement in physical education. Such instructor must also be a certified lifeguard, certified in cardiopulmonary resuscitation offered by the American Heart Association (AHA) or the American Red Cross (ARC) and has completed a first aid course offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course.

In addition to the aforementioned qualified/certified instructor, another individual, either a qualified educator, qualified swimming coach or a qualified lifeguard is required to be on duty to supervise the students for all pool classes. This additional individual is also required to be a certified lifeguard, certified in cardiopulmonary resuscitation and completed a first aid course, as described above. The Board of Education, to fulfill this statutory requirement of a second person to be present during classes using a swimming pool, allows the hiring of a lifeguard to help the swimming instructor supervise the swimming class if such lifeguard is at least sixteen (16) years of age or older and meets the above criteria for an instructor. Such lifeguard must be under the supervision of the certified instructor.

**NOTE:** P.A. 13-161: AAC Pool Safety at Public Schools, requires, commencing July 1, 2013, in addition to the person responsible for conducting any student aquatic activity that makes use of a 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 swimming pool during such student aquatic activities for swimmers who may be in distress and providing assistance to such swimmers when necessary.

For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall offer a physical education course that makes use of a school swimming pool unless there is 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 who shall be solely responsible for monitoring such school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.

For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall permit any student to participate in any interscholastic athletic activity that makes use of a school swimming pool unless there is at least one qualified swimming coach who shall serve as a coach of such 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.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety) (continued)**

*For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall offer any extracurricular activity that makes use of a school swimming pool unless there is at least one qualified lifeguard who shall (1) monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary, and (2) be responsible for implementing the provisions of the school swimming pool safety plan.*

#### **Pool Safety Plan**

The Board, offering a physical education course and aquatic programs that make use of a swimming pool, shall adopt a swimming pool safety plan, not later than July 1, 2014. Such swimming pool safety plan shall include, but is not limited to, required staffing patterns, best practices regarding swimming pool safety, the requirements of the Public Health Code, and any other provisions deemed necessary and appropriate for ensuring the safety of students who use such swimming pools for student aquatic activities. The swimming pool safety plan shall be reviewed and updated as necessary prior to the start of each school year.

Nonetheless, the Board recognizes that swimming (and related aquatic activities) is one of the few recreational or teaching activities which also carries with it the evident hazards of death through drowning or injury by brain damage through near drowning. The teaching and learning of swimming and water safety therefore requires the utmost care on the part of all concerned.

It is expected that the District will adhere to the regulations of the Connecticut Department of Public Health, 19-13-B33b, applicable to public pools.

#### **Administrative Regulations**

The Board directs the Superintendent of Schools to create and promulgate administrative regulations governing the use of pools in District schools. These regulations shall be approved by the Board prior to their use and when amended at any time. Nothing in this policy is intended or shall be construed to create a private right of action against the Board or any of its employees. No part of this policy shall be construed to create contractual or other rights or expectations.

Legal References: Connecticut General Statutes  
PA 13-161 An Act Concerning Public School Pool Safety  
19a-36 Public Health Code. Fees. Swimming pools. Wells; Use, replacement and mitigation.

Policy adopted:  
cps 7/13

*An administrative regulation to consider which contains sample elements of the statutorily required school swimming pool safety plan which must be adopted by the Board. Therefore, this regulation should also be formally approved by Board action.*

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

The purpose of these administrative regulations is to provide guidance in safe practice in school swimming, aquatic activities and water safety. This document sets out the required procedures pertaining to the implementation of the Board of Education policy #6142.63, “Aquatic Activity Safety (Pool Safety),” in relation to swimming pool safety. The Board of Education (Board) recognizes its responsibility for ensuring safety in school swimming pools. As part of this responsibility the Board provides the safety policy, guidance and procedures for swimming and ensures that its employees receive any necessary training to carry out their assigned tasks.

The effective supervision of all involved in swimming and aquatic activities is essential to safety.

#### **School Responsibility**

The Board requires that a member of the staff be delegated the responsibility of “Swimming Coordinator” (Pool Coordinator, Pool Supervisor) and applying the swimming pool safety policy and procedures in the school. This will include the proper operation of the school’s swimming facility.

#### **Personnel Requirements**

All personnel with responsibility for swimming instruction or supervision must possess a high level of skill in water safety and be committed to exemplary standards of safety. They must also meet state or local certification requirements including, first aid procedures.

#### **1. Qualifications**

- a. All certified staff members with an endorsement in physical education or substitute teachers serving as an instructor of a physical education course that makes use of a swimming pool must also fulfill the following statutory requirements:
  - i. is a certified lifeguard,
  - ii. is certified in cardiopulmonary resuscitation,
  - iii. has completed a course in first aid offered by the American Red Cross, or the American Heart Association, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course.



## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

#### **Personnel Requirements (continued)**

- b. Classes involving the use of a swimming pool must also have another instructor or lifeguard on duty to supervise the students for all physical education pool classes. Such individual must also meet the requirements listed above (1a-i, ii, iii) pertaining to lifeguard certification, cardiopulmonary resuscitation certification and first aid training.
- c. In the case of interscholastic activity, there must be at least one qualified swimming coach who coaches the participating students and is responsible for implementing the school swimming pool safety plan. Additionally, at least one qualified educator, swimming coach, or lifeguard must be present whose primary responsibility is to monitor the pool for students in distress and provide help when necessary.
- d. In the case of extracurricular activity, at least one qualified lifeguard must monitor the pool for swimmers who may be in distress and provide assistance to them when necessary. He or she must be responsible for implementing the provisions of the pool safety plan.
- e. In the case of a physical education course, there must be at least one qualified educator who serves as the course instructor and at least one other educator, swimming coach, or lifeguard whose primary responsibility is to monitor the pool for swimmers in distress and provide assistance, if necessary. The course instructor is responsible for implementing the pool safety plan.
- f. All pool personnel must be thoroughly trained in emergency procedures to include practice under simulated conditions (i.e. near drowning, diving injury, stoppage of breathing, pool evacuation, loss of power/lights) at least annually.
- g. The individual hired to assist the certified physical education instructor supervise the swimming classes may be a qualified swimming coach or qualified lifeguard who is at least sixteen (16) years of age or older and meets the above criteria for an instructor. The lifeguard must be under the supervision of the certified instructor.
- h. Teachers and swimming coaches must meet the minimum legal requirement of American Red Cross Lifeguard Training, American Red Cross Standard First Aid, and American Red Cross CPR/AED. (optional in light of ia-iii)

## **2. General**

- a. One of the two required staff members shall be charged with responsibility for implementation and coordination of pool safety standards.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

##### **Personnel Requirements (continued)**

- b. At least one additional appropriately certified individual, as previously described, shall be responsible for lifeguard duties whenever instruction is provided by the designated staff member or substitute.
- c. The instructor to student ratio shall not exceed the American Red Cross standard of 1:25. (A 1:12 ratio is preferred)

##### **Responsibilities of the Teaching Staff**

Teachers have a duty of care that operates for any activity in which children are involved and that duty of care cannot be transferred to anyone else. The Board recognizes that this responsibility, described in law, is equivalent to the standards expected of a responsible and careful parent. This applies to all activities within the school curriculum and to extracurricular activities organized by the school during and outside school hours, whether on or off school site. Teachers are responsible for the safety of all students involved in any aspect of the swimming instructional program or extra-curricular aquatic.

In relation to swimming this means that:

- Children are appropriately supervised when changing;
- Students are under control at all times;
- Headcounts are taken before, during, and after sessions;
- Normal and emergency procedures are taught and enforced; and
- Teachers have an overview of the swimming ability of their children in the conduct of their class.

Any individual who teaches or assists in teaching, coaches or assistant coaches, or supervises students participating in any aquatic activity must fulfill the statutory requirements previously detailed.

***Alternate language:*** Teachers assigned as swimming instructors must hold a valid CPR certification issued by the American Red Cross, a valid lifeguard certificate issued by the Red Cross and a valid Red Cross water safety certificate (or YMCA).

The Principal of the school that engages in any aquatic activity shall be responsible for obtaining a copy of the water safety instructor certificate, and must provide a copy of each aquatic activity supervisor certificate to the Superintendent before allowing the aquatic activity instructor/supervisor to teach, coach, supervise, or assist in teaching, coaching, or supervising, any aquatic activity.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

#### **Responsibilities of the Teaching Staff (continued)**

#### **Class Management (Pool Safety Plan)**

It is considered good practice to establish safety procedures for swimming activities. The following guidelines for supervision and safety must be followed:

- Parental/guardian consent be secured in writing prior to allowing participation in any activities in the school pool.
- Students shall not be sent to the pool area until the instructor and lifeguard are present.
- During the first swimming session of a group, a swimming proficiency test must be given to determine each student's swimming ability.
  - The swimming instructor with a current certificate as a water safety instructor or acceptable equivalent must administer these tests using the standards of the American Red Cross or its equivalent.
  - The standard to consider using is that the swimmer should have the ability to swim 50 yards using a minimum of two strokes, change direction while swimming and follow the directions of a lifeguard.
  - Based upon the test, the students are to be divided into groups based upon swimming ability. (e.g. Group children as swimmers or non-swimmers)
  - Non swimmers shall be confined to water less than chest deep or three and one-half feet.
- Students must be instructed not to run around, splash or shout in the pool area.
- Students must not be permitted to enter into the pool unsupervised.
- Emergency procedures shall be explained and practiced during lessons. If the teacher/instructor is the only qualified lifesaver, they must not attempt a rescue which involves entering the water until the safety of all of the students has been secured. This means that they are out of the pool or are holding onto the poolside.
- All students must be registered or counted both before and after the lesson and checked while in the water.
- A buddy system shall be used in which swimmers of similar ability are paired together at the start of the session to provide each student with a "personal protector." At intervals during the session a signal shall be given (at least every 15 minutes) in which students must find and join their assigned buddy. Whenever a student is suspected of being missing, as soon as a student notices that he/she cannot see his/her buddy, that fact shall be immediately reported to one of the adults in the pool area.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

##### **Class Management (Pool Safety Plan)** (continued)

- A “lost swimmer plan” is to be implemented when a child is missing. The swimming activity is to be discontinued, the water is to be cleared of all children sending them to a safe location and a search of the pool and pool area instituted immediately.
- Students must be encouraged to report any accidents to the teacher/instructor.
- The depth of the pool must be brought to the attention of students in addition to a suitable pool entry method.
- The instructor must be located in such a position that he/she is able to see all the students at all times.
- Students not in the pool are to be supervised by another adult.
- Where anti-chlorine goggles are to be used for a medical condition or for reasons of confidence, the students must be taught how to use them properly.
- The wearing of masks, snorkels and other equipment must be restricted to organized club events.

##### **Optional: Adults other than Teachers (AOTTs)**

Adults Other Than Teachers (AOTTs) can be extremely helpful and may be absolutely essential, to support the delivery of swimming instruction in school and in the extended aquatic activities curriculum whether on or off site. They can:

- support and work beside teachers,
- supervise changing,
- administer first aid (if trained),
- look after any unwell children or children who are not swimming.

Teachers cannot transfer their duty of care to adults other than teachers. Such individuals should also be vetted by a criminal background check.

##### **Lifeguard Provision**

The qualified instructor, in addition to a qualified swimming coach, or a qualified lifeguard must be present at aquatic activities and be certified as lifeguards. They, as required by statute, have the responsibility for lifeguarding/rescue and resuscitation, and must be suitably trained and qualified.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

##### **Lifeguard Provision** (continued)

A certified lifeguard must be present whenever a District school pool is in use by students. Lifeguards must be present for all District sponsored activities including any time the pool is used for swimming instruction. The lifeguard shall have the authority to order any person who does not comply with the rules of the Connecticut Department of Public Health or those of the Board to leave the pool and pool area.

The following provisions shall pertain to lifeguards working with District pool facilities:

1. All lifeguards must possess a current lifeguard's certificate or license issued by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs or other entity acceptable to the Connecticut Department of Public Health. A copy of such certificate or license must be available for inspection in or near the pool area.
2. All lifeguards must wear approved swimming attire which can identify them as a lifeguard at all times while on duty.
3. No lifeguard, while assigned to supervise the pool, may be used as a teacher, teacher's aide, coach, or assistant coach, or be involved in any additional duties that would distract his/her attention from the proper observation of the pool area.

Students engaged in a swimming activity, must be monitored at all times by a fully certified lifeguard.

1. The designated lifeguard must be positioned and prepared to respond to an emergency in less than 30 seconds.
2. Personnel working in a lifeguarding role must have immediate access to a rescue tube.
3. Lifeguards must be properly attired, dressed in a manner that identifies them as lifeguards and enables them to perform a rescue when needed, and have an emergency whistle at all times. This would generally require a swimsuit or shorts and a T-shirt.
4. Footwear is optional and a loose fitting style is recommended.

The location of an elevated lifeguard chair must be so located as to compensate for glare and blind spots, provide for a clear view of the pool bottom, and be in a position which provides complete surveillance coverage of the pool area. If more than one lifeguard is used, each must have designated areas of responsibility and be able to have total visual surveillance of that swimming area. Lifeguards should take frequent breaks to avoid fatigue, but there must be enough coverage during each of these times at the pool, or sections of it must be closed and posted as such.

## Instruction

### Physical Education

#### Aquatic Activity Safety (Pool Safety)

##### Lifeguard Provision (continued)

*Data pertaining to drowning incidents, found many have occurred directly before, during, and after a chair rotation because the lifeguards were distracted and did not provide constant surveillance during the rotation procedure.*

Lifeguards need to take sufficient breaks because failure to do so has been identified as a contributing factor in drowning. Lifeguards shall take frequent breaks to avoid mental and physical fatigue. *(Research indicates a lifeguard attentiveness declines after 30 minutes.)* If another lifeguard is not available to cover during breaks, such as a single lifeguard facility, the pool must be closed during the break.

*Investigations of student drowning that occurred during school swim physical education classes have determined that if the lifeguard is performing instructional activities it distracts from lifeguarding duties and has been a contributing factor in drowning as a result.*

#### Aquatic Facility Requirements

**Standard:** All use of electricity within the pool facility or its related facilities (locker room, shower room, walkways, and storage room) must be free of all possible electrical hazards. Daily inspections of the facility are necessary to assure that adequate safety levels are maintained. Lifeguards/Pool Coordinator/Pool Supervisor) are responsible for daily inspections of the pool area.

Daily inspections of the facilities are necessary to ensure that adequate safety levels are maintained. Any problems such as unsafe water conditions, broken equipment, loose ladders, electrical equipment malfunction, broken/loose main drain grates, etc., are to be reported and immediately corrected. Required supervision personnel shall be on premises at all times the pool is in use and will conduct at least one visual check daily, prior to operation. This visual check shall confirm the pool is in compliance with safety requirements, including inspection of safety equipment and water quality. A log shall be maintained recording the time of inspection and the number of persons using the pool.

1. **Electrical** – Electrical shock in areas where moisture is prevalent presents a severe threat to life. Electrical equipment, used as teaching or coaching aids, must be made safe for all users and checked regularly for deterioration.
  - a. Electrical wall outlets in the pool area or related areas must be equipped with ground fault interrupters, covered and easily rendered inoperable.
  - b. Plug-in appliances must be properly grounded.
  - c. Extension cords must be free of splices and of one continuous length.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

#### **Aquatic Facility Requirements (continued)**

2. **Lighting** – Pool rooms and related areas are often solely dependent on artificial lighting. Therefore, illumination levels must be carefully observed in order to avoid unsafe conditions.
  - a. Poolroom lighting and water clarity must provide adequate visibility such that a 6 inch disk placed in the deepest section of the pool is visible from the pool deck at a distance of 30 feet.
  - b. Natural and artificial lighting must not produce surface glare on the water or pool bottom that impedes the supervisory capability of a lifeguard, coach or teacher at any time.
  - c. All lighting in the pool area, related rooms and areas must be properly maintained and continuously operational.
  - d. Exits must be clearly marked and continuously functional.
  - e. A backup lighting system must be provided and tested monthly by the custodial staff and periodically by the instructional and/or coaching staff.
  - f. Light switches and all wet floor areas must be grounded and coated with nonconductive material.
3. **General**
  - a. Pool environments must reflect daily concern for orderliness and safety. This includes the deck free of clutter, instructional and safety equipment in good repair, properly stored and ready for use. Responsibility for this equipment rests with the individual user.
  - b. Sanitary procedures must be implemented on a daily basis on the pool deck, locker room and shower area.
  - c. Wet floor areas must be adequately maintained so as to provide a safe walking surface.
  - d. Only those personnel who are authorized by the school administration should have access to pool chemicals and service equipment.
  - e. Pool regulations must be posted in the pool room and locker area. These regulations must prohibit rough play, spitting or spouting of water, swimming without a lifeguard present, or use of the facility by personnel with broken skin or contagious disease.
4. **Exits**
  - a. Access to exit doors in walkways must be unimpeded, clearly recognizable and quickly accessible.
  - b. Two emergency exits must be maintained within the poolroom.

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

##### **Aquatic Facility Requirements (continued)**

- c. Emergency exits must be clearly marked, visible and continuously operational.
- d. Kickboards, lane lines, baskets and other equipment must be properly stored so as to maintain unimpeded exits.
- e. Doors other than exits must be properly marked so as to avoid confusion during emergency conditions.
- f. Designated exits must have sufficient capacity for the occupant load.

##### **Safety Equipment Requirements**

All swimming pools must be equipped with the minimum safety equipment specified by the local health codes and the regulations of the Connecticut Department of Public Health. Persons responsible for swimming pool activities must be familiar with the location and competent in the use of this equipment. Suggested guidelines follow:

1. Two rescue tubes, 48-52 inches in length must be available in the poolroom, ready for immediate use from either side of the deep end of the pool.
2. One rescue/reaching pole of 12 feet minimum length must be mounted on each side wall of the poolroom near the deep end of the pool.
3. One elevated lifeguard chair must be located on the pool deck so as to provide the observer with a clear unobstructed view of the pool bottom at its deepest point.
4. A safety line equipped with colored floats must be available for recreation or instructional swimming to mark the changes in grade in the pool bottom.
5. A fully stocked first aid kit shall be immediately available in the pool area and will include rubber gloves.
6. A stretcher and two blankets shall be easily accessible to the pool area.
7. A backboard (spineboard) shall be located in close proximity to the stretcher.
8. A conspicuously marked emergency telephone must be located on the wall outside of the pool office. The pool area emergency plan should be posted nearby in waterproof plastic. Emergency directions specific to the facility should be inscribed on the emergency plan so that the person making the call can “read a script” to the emergency rescue dispatcher.
9. All personnel with supervisory responsibility for aquatic activity should be well-versed in the safety and emergency plans for the facility. An annual rehearsal of the emergency response plan shall be periodically completed.



## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety)**

##### **Safety Equipment Requirements (continued)**

Aquatic activities shall not be conducted at any pool leased or used by the Board of Education, unless safety equipment complies with the Connecticut Department of Public Health Regulations.

##### **Unauthorized Use of Pool**

1. All designated emergency exit doors must be equipped with self-closing and self-locking hardware that facilitates exiting.
2. All other pool entry doors must be lockable from both sides and equipped with self-closing and self-locking hardware.
3. Pool office and storage room door shall be locked when not in immediate use.
4. Following a school aquatics event, locking the pool doors is the direct responsibility of the school pool supervisor (pool coordinator). The custodian assumes responsibility for all other user groups.
5. Computer-generated security keys are strongly suggested for use in pool areas. Keys should be limited in number, assigned to specific staff members, securely stored and never loaned to unauthorized personnel.

##### **Emergency Procedures**

Careful planning is a prerequisite to any accident prevention or injury response program. A written plan of action that responds to all foreseeable emergency situations is essential in order to ensure efficient action during crisis situations.

1. Specific plans must be developed in response to a potential drowning, stoppage of breathing or serious injury. In addition, written directions shall be conspicuously posted for contacting the emergency response system, providing information to expedite their arrival, managing other swimmers, notifying the Principal and releasing information to the media.
2. Procedures for response to serious injuries and emergency should be conspicuously posted adjacent to the emergency telephone. These directions should include emergency telephone numbers, emergency script, pool phone number and other important numbers.
3. Emergency alarms and public address systems must be audible throughout the poolroom and its related facilities. Procedures for reacting to such alarms or announcements should be established and practiced periodically (at least annually).

## **Instruction**

### **Physical Education**

#### **Aquatic Activity Safety (Pool Safety) (continued)**

##### **General Pool Health and Safety Rules**

- Showers are required before entering the pool.
- Street shoes are not allowed on the pool deck.
- Food or drink is not allowed on the pool deck.
- Glass items or containers are not allowed in locker rooms or on the pool deck.
- No running, pushing or horseplay on the pool deck or in the locker rooms.
- Jump in feet first, facing forward, straight ahead.
- Diving is permitted at a minimum safe diving depth of 9 feet.
- One person at a time on a diving board, no cartwheels or handstands.
- Go straight off the end of board. Back dives and backflips are allowed off of diving boards, but not on the side of the pool. Swimming under diving boards is not allowed when they are in use. Each diving board area must be roped off as a separate space and from swimming areas. Non-swimmers and weak swimmers are to stay in the shallow end of the pool. Persons under the influence of alcohol or drugs are to be prohibited from using the pool.
- People with communicable diseases or open or bleeding sores are prohibited from using the pool.
- Anyone who's been ill with vomiting or diarrhea within the last two weeks is prohibited from using the pool.

Regulation approved:

cps 7/13

## Students

## Safety

### School Resource Officer

The Board will work in cooperation with the law enforcement agency/police department in the placement of school resource officers in its high/middle/elementary schools. The objectives and qualifications of resource officers will be determined by the police department and shall be subject to approval by the Board.

The Board shall enter into a Memorandum of Understanding (MOU) with the local police department that defines the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline.

Legal Reference: Connecticut General Statutes

[4-176e](#) through [4-180a](#). Contested Cases. Notice. Record.

[10-220](#) Duties of boards of education.

[10-233a](#) through [10-233f](#). Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, and PA 98-139.

[53a-3](#) Definitions.

[53a-217b](#) Possession of Firearms and Deadly Weapons on School Grounds.

PA 15-168 An Act Concerning Collaboration Between Boards of Education and School Resource Officers and the Collection and Reporting of Data on School-Based Arrests

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

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.

P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

**Policy adopted: November 5, 2018**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Agreement Between the  
Westport Police Department and the  
Westport Public Schools for  
The School Resource Officer Program**

This agreement made and entered into this 17 day of September, 2018 by and between the Westport Police Department and the Westport Public Schools ("Agreement").

It is the intention of the Westport Police Department and the Westport Public Schools to work together to provide a safe and healthy school environment for students, staff, faculty, and visitors.

**Goals and Objectives**

- Establish a positive working relationship between the police and the schools in a cooperative effort to maintain a safe, drug free and secure school environment that is conducive to learning and to student development.
- Promote positive attitudes regarding the role of police in our community.
- Sustain an integrated community partnership to ensure a collaborative and supportive system is created to promote positive youth development that results in fewer student infractions referred to the legal system.
- Serve as a resource to students and families of students to provide proactive support and connections to community resources, as appropriate.

**Term of Agreement**

This agreement may be terminated by both parties at any time by mutual agreement, or by either party by providing written notice of termination to the other party by January 1 of any year, with such termination to be effective the following July 1.

**Assignment of School Resource Officer**

The Westport Police Department agrees to provide one or more School Resource Officer(s) (hereinafter, "the SRO(s)") to the Westport Public Schools also referred to as the "District."

The Chief of Police (hereinafter "the Chief") shall assign and or hire one or more Westport Police officers to assume the roles and responsibilities of the SRO(s), subject to the approval of the Westport School Superintendent (hereinafter "the Superintendent"), which approval shall not unreasonably be withheld.

It is the responsibility of each SRO to notify the Superintendent and respective school principals of his or her work schedule each month. Such schedule shall be determined by and between the Chief, with the intent that the work schedule of the SRO is aligned with the school calendar.

SRO(s) shall remain employees of the Westport Police Department and shall not be employees of the Westport Public Schools. The Westport Public Schools acknowledge that the SRO(s) will

remain responsive to the command of the Westport Police Department.

### **Duties of the School Resource Officer**

- Assist the Superintendent, principals, other administrators, faculty, and staff in developing plans and strategies to prevent and/or minimize dangerous situations that may occur on school grounds.
- Present topics to students on various law enforcement/safety issues and other relevant topics.
- Contact the principal of the school about any juvenile delinquency, incidents, charges, and arrests at that school within a timely manner.
- Take law enforcement action when necessary, including but not limited to neutralizing threats to a school and/or addressing an immediate danger to students or staff members.
- Conduct investigations of crimes that occur at any school and use other resources if needed for follow up investigations.
- Follow the guidelines of case law, Board of Education policy, Westport Public Schools administrative regulations, and the Westport Police Department general orders in regards to investigations, interviews and searches relating to juveniles and other students.
- Assist the Superintendent, principals, other administrators, faculty, and staff in enforcing the Board of Education policies, administrative regulations, and other school practices in order to maintain a safe learning environment. When it pertains to preventing a disruption that would, if ignored, place students, faculty and/or staff at risk of harm, the SRO will resolve the problem to preserve the school climate. IN ALL OTHER CASES, student discipline is the Westport Public Schools' responsibility. As may be requested or otherwise be appropriate in specific situations, the SRO will intervene and take students who violate Board of Education policies, administrative regulations, and other school rules to the office of the principal where school discipline can be meted out by the principal or other appropriate administrators.
- Coordinate and communicate with Westport Public Schools security personnel.
- Provide safety and security training to staff.
- In the extremely rare occasion that student or staff issues would prompt a citation or arrest by a Westport Police Officer, every reasonable effort would be made not to involve the SRO, but to have another officer on duty conduct this business.
- Serve as positive role model to youth in our schools through actions and words.
- Participate in relevant professional development offered by the District related to adolescent and child behavior and development.
- Remain current in all trainings mandated for all school personnel, e.g. Mandated Reporter, Bloodborne Pathogens, etc.
- Maintain confidentiality of student records and information as mandated by law.
- Present topics to students on various issues related to students' rights, responsibilities, and well-being.
- Participate in school activities, student organizations, parent meetings, and athletic events when invited and feasible.
- Act as a liaison between students and/or parents in accessing social agencies which provide needed services.
- Serve as a member of the respective School Climate Committee.

### **District Support for the SRO**

The District shall provide to the full time SROs the following materials and facilities, which are deemed necessary to the performance of the SRO:

- Access to an air-conditioned and properly lighted private office containing a telephone line to be used for general business purposes;
- A desk with drawers, a chair and filing drawers;
- Access to a computer terminal or computer hookup.

The Westport Police Department will supply the SRO with the usual and customary office supplies and forms required for the performance of his or her duty. Beyond the ongoing training of the SRO by the Westport Police Department, the District will also make available relevant training opportunities regarding fostering a healthy learning environment that it provides to its staff members, as appropriate.

### **Uniform and Equipment**

All equipment necessary to serve as an active police officer within the Westport Police Department shall be provided by the Westport Police Department.

SROs will wear Class B uniforms when on-duty during school hours, the standard polo-type black uniform top with embroidered insignia.

### **Evaluation and Dismissal of a School Resource Officer**

As an employee of the Westport Police Department, the evaluation of the SRO will be conducted by the Westport Police Department. However, feedback regarding the performance of the SRO will be provided to the Police Chief on a regular basis by the District through formal and informal means.

Upon receipt of written documentation from the Superintendent of the Westport Public Schools to the Chief of Police of any concerns that the SRO is not effectively performing his or her duties and responsibilities, the Westport Police Department may dismiss or reassign the SRO based upon the Westport Police Department's rules, regulations, general orders, and the terms of the collective bargaining agreement with its officers, after consideration of the Superintendent's concerns and documentation.

The Westport Police Department and the Westport Public Schools agree to provide their employees with training relative to this Agreement and its purpose. The parties also agree to maintain regular and open communication to evaluate the effect of this Agreement and suggest improvements and adjustments that may be necessary.

This Agreement constitutes a final written expression of all terms of this Agreement and is a complete and exclusive statement of those terms. It may be modified in writing by consent of the parties.


IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized officers.

Signed, sealed, and delivered in the presence of:

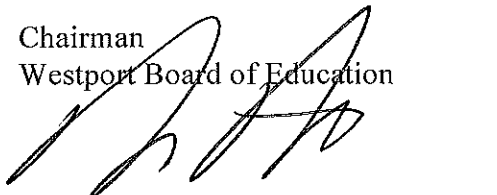
Superintendent  
Westport Public Schools

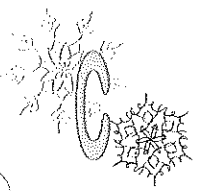
  
Dr. Colleen A. Palmer

Police Chief  
Westport Police Department

  
Mr. Fotios Koskinas

Chairman  
Westport Board of Education

  
Mr. Mark Mathias



# USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

The use of body cameras by law-enforcement agencies to monitor police interactions with the public has increased nationwide. The devices, about the size of a pager, have been a centerpiece of police reform movements, in an attempt to achieve greater accountability regarding the actions of police. These devices are beginning to show up in schools using the services of school resource officers (SROs).

Some districts across the country have implemented a policy allowing police officers in the schools, usually SROs, to actively wear body cameras and turn them on when it is determined necessary. Such districts believe this policy would contribute to a safer school environment. However, the wording as to when they should be turned on and used is often vague because of the difficulty in explicitly stating the circumstances addressing their potential use. The language used in a policy adopted by the Evanston, Illinois Board of Education indicated SROs should only activate body cameras if they “have reason to believe that a crime has been, or is in the process of being committed,” or “is in a hostile situation or perceives that a complaint will be raised.” Therefore, in such a situation, it depends on the SRO’s perception of what is a hostile or criminal situation.

The use of body cameras by SROs has been welcomed by some, but privacy concerns have been voiced by some districts across the nation considering their use and by civil rights groups. In addition, recent actions of the police which have sparked protests across the nation regarding police activity

has exacerbated the issue resulting in some school systems deciding to totally remove the police presence in their schools. At this time attention will be given only to the topic of the use of body cameras by the SROs in those districts continuing to use their services. Continued presence of SROs in district schools is a matter to be determined by those boards presently using such personnel. This issue is likely to be reviewed in a future edition of the *Policy Update Service*.

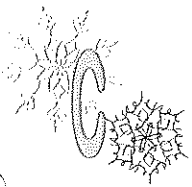
The same civil rights groups that supported the use of body cameras by law-enforcement officers as a means to build police accountability, especially in confrontational situations, argue that police officers in the school setting should not be wearing or using them.

Chad Marlow, the advocacy and policy counsel for the American Civil Liberties Union, indicated that in the educational context, where extreme instances of inappropriate use of physical force by police are far less common than they are on the street, concerns about student privacy outweigh any potential benefits from the use of the cameras.

Evie Band, in an *Education Week* article, cited Marlow’s viewpoint that “body cameras in a general setting allow the public to monitor police and hold law enforcement officers accountable by obtaining and sharing footage through open-records laws, but in schools, where students are the stakeholders, the ACLU believes that is less likely to happen.”







# USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 2~

The fear has been expressed that footage of students getting into fights or making mistakes could become an unshakeable part of their reputations and digital footprints. There have been cases where police footage has gone viral after it was posted online. The issue of privacy and unintended consequences of the police owning the recording of students in schools and to whom they would be shared is a prime concern of many.

Another raised concern is considering that schools are a safe place for many students, having officers with cameras in the building can lead to varying degrees of discomfort among students. However, this has been countered by the argument that while body cameras may not tell the whole story of an occurrence, it can provide a better sense of transparency among officers and students so officers can be held accountable, especially in situations where people may be targeted due to discriminatory biases.

Further, others state that the body cameras are similar to surveillance cameras already in place in many school buildings and should not impact student privacy. The use of surveillance cameras is governed by policy language which includes language regarding the storage of the footage and who is able to obtain certain footage. The wide use of social media by students may also lessen the issue of student privacy.

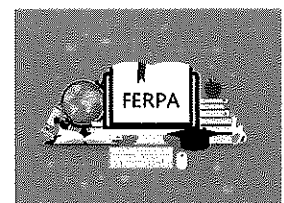
Records kept by school police are not subject to the federal Family Educational Rights and Privacy Act (FERPA). A balance must be maintained to keep students and police accountable while also protecting students' right to privacy. Matt Simpson, policy strategist for the American Civil Liberties Union of Texas stated "It is a delicate balance. The body cameras are good tools, but you don't want to violate

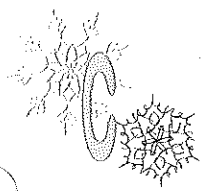
everyone's privacy. In cases, involving juveniles, it is how (the video footage) is stored and who gets to see it. Policies will be key to handling who sees the videos, who has access to the footage and how they are stored." Strict procedures need to be in place to protect student privacy.

Footage obtained by SRO use of a body camera is usually stored by the local police department. SROs are employees of the local law enforcement unit. Such storage should be internal storage, not cloud-based. Such material can be seen by department staff and made available to court administrators if the recorded incident turns into a court case.

It is important to recognize that the images of students captured on security videotapes of a school's video surveillance cameras may contain personally identifiable student information and be considered confidential in accordance with FERPA. Court rulings exist in which access to videotape of an incident was denied because other students were personally identifiable. However, boards of education may be required, according to another court decision, to release such records after redacting personally-identifiable student information and other information that would make the student's identity easily traceable.

The status of school videotape footage under FERPA has been the subject of considerable uncertainty. Some courts have maintained that the videotape developed as a result of a surveillance system is significantly different from the type of records schools maintain in student's personal files.





# USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 3~

The U.S. Department of Education indicated that “images of students captured on security videotapes that are maintained by the school’s law enforcement unit are not considered records under FERPA. (This would appear to apply to SROs on school campuses utilizing body cameras.) Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities, as appropriate. Schools that do not have a designated law enforcement unit might consider designating an employee to serve as the ‘law enforcement unit’ in order to maintain the security cameras and determine the appropriate circumstances in which the school should disclose recorded images.”

The U.S. Department’s previous guidance also indicated that K-12 educators may disclose any educational records, including personally identifiable information, to protect the health or safety of a student or other individuals.

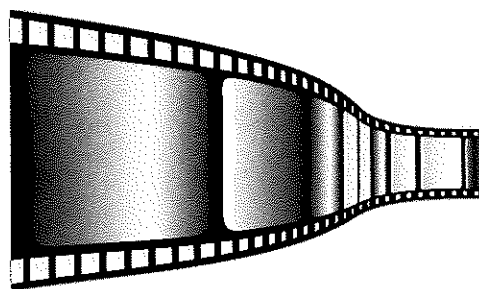
However, until new guidance or legislation is provided, it is probably in the District’s best interests to indicate that the videotapes, maintained by the district, retain their status as educational records even if they are in the possession of a law enforcement unit and thus remain subject to FERPA’s restrictions on their release.

However, as previously indicated, SROs as employees of the local law enforcement department, placed in the school setting under an agreement with local board of education, usually will have the videotapes stored by the local police department.

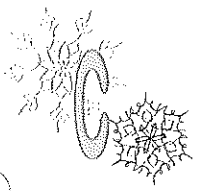
A guidance letter (Dec. 2017) issued by the U.S. Department of Education in a hazing incident involving numerous perpetrators, victims and bystanders captured in a video

surveillance taping indicated that the district had to provide the parents of the disciplined student the opportunity to inspect and review the entire video “if the video cannot be segregated or redacted without destroying its meaning.”

The FERPA Compliance Office has provided “informal advice” that in the case of a video or other picture image of one or more students and where there are students in the background, the video is “directly related” to, and thus the educational record of the student or students who are the subject of the video and not the students merely in the background. Focus is defined to mean a student or students who are involved in an altercation or some other disturbance that causes them to be the focal point of the video.



With regard to parents of those students that are the focal point of the video being permitted to view the video, a school would not need to obtain the consent of the parents of the two students involved and may show both sets of parents the video, because this would typically be the education record of both students, especially in situations involving altercation. In this case however, where there is more than one student that is the focus of the video, while the school may provide a parent with access to the video without the prior consent of the other parent, the school may not give a copy of the video to any of the parents without the consent of the other students’ parents.



# USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 4~

The bottom line, therefore, is that it is extremely important and it makes a significant difference, regarding student privacy and FERPA, as to who maintains possession of the video recording and where it is to be stored. In the case of SROs, it must be clarified in the required memorandum of understanding (MOU) between the local district's board of education and the local law enforcement unit providing the SROs.

It is important that concerns be addressed through clear agreements, memorandums of understanding, between schools and police agencies that set limits on how officers should interact with students, not just through monitoring with body cameras. It is important for police agencies to communicate with schools they protect about how and when cameras will be used to avoid miscommunication or disagreements.

## Policy Implications

Having SROs wear body cameras creates a complex situation for students and staff. In the placement of SROs on school campuses, the need exists to be careful of blurring the line between law enforcement, the SROs' responsibilities, and school discipline, which must remain the responsibility of the district's staff. It is important if the use of body cameras by SROs is allowed, that the use of the devices be allowed only when the SRO is administering some sort of law enforcement authority.



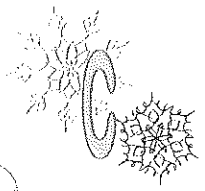
Many school districts have utilized school resource officers in their school to enhance school security and student safety. P.A. 15-168 defines a "school resource officer" as a sworn police officer of a local law enforcement agency

who has been assigned to a school pursuant to an agreement between the local or regional board of education and the chief of police of a local law enforcement agency.

School boards that assign a sworn police officer to a school (i.e., school resource officer) must utilize a memorandum of understanding (MOU) with the local police department that define the officer's role and responsibilities. The MOU needs to address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline. A memorandum of understanding between the board of education and the police department allows for clear communications of each party's expectations and responsibilities.

The memorandum of understanding clearly specifies the role of the SRO. That role includes, but is not limited to, the following:

- Act as a safety expert, help in the development of safety plans for schools;
- Investigate potential criminal acts;
- Secure buildings by operating metal detectors and/or other safety equipment;
- Provide assistance to school personnel in addressing student violence, drug and alcohol use and abuse, sexual assault, truancy and bullying issues;
- Educate students and faculty on safety measures and crime prevention, safe driving, and other issues; and
- Act as a liaison between the police department and administration.



# USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 5~

The MOU can include the knowledge needed for the SROs. Such knowledge includes the confidentiality of student records, search and seizure standards on school campus, state and federal laws relating to special education students, child abuse reporting, school discipline procedures, board of education policies and regulations, and truancy and other school-related state laws.

The specific duties of the SROs should be included in the MOU. It is helpful to have these duties explicitly laid out in the agreement. Examples of such duties include SRO responsibilities with investigating criminal activity, interviewing students, conducting searches, counseling and educating students on law related matters such as the use of drugs and alcohol, and issues pertaining to school security and student safety. However, the MOU must specify the structure of supervision while the police officer is in the school setting.

Policy #5142.4, "School Resource Officer," does not need to be revised to address the issue of the use of body cameras by SROs. The wearing of these devices is a decision made by the local law enforcement unit of which the SRO is a member. The use of the body camera must be addressed in the required memorandum of understanding. It should also be addressed in the administrative regulation pertaining to the policy.

The sample memorandum of understanding and the administrative regulation follow, which have been revised to contain language pertaining to body cameras.

**A Memorandum of Understanding...**

- \* Outlines the details of an agreement.
- \* Between two or more parties.
- \* Intend to work together toward a common goal.
- \* Abbreviated and referred to as an MOU.
- \* Less complex and detailed than a contract, while providing a framework.
- \* Great to confirm and solidify the terms of a verbal agreement.



January 2021

# Memorandum of Agreement

By and Between  
\_\_\_\_\_ Public Schools

and

\_\_\_\_\_ Police Department

## I. Introduction

Schools and law enforcement share responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. This document expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student and the nature and severity of the incident.
- C. Students should be held accountable for their actions through a graduated response to misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior.
- D. Disruptive students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of the police, or referral to court.
- E. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the student, the school system, law enforcement and the community at large.

## II. Purpose of Agreement

The purpose of this agreement is to encourage a more consistent response to school incidents and to reduce the number of referrals of students to court by establishing guidelines for the handling of non-emergency disruptive behavior at school and school-related events by school and police personnel.

### **III. Terms of the Agreement**

#### **A. Summary of Key Points**

The parties agree to:

1. Convene a School/Police Collaboration Team;
2. Share this agreement with a copy to all school and police personnel;
3. Provide necessary and regular staff training on implementation of the agreement;
4. Put into practice a graduated response to student misbehavior;
5. Monitor implementation of the agreement;
6. Collect data and assess the effectiveness of the agreement; and
7. Modify the agreement as appropriate.

#### **B. Key Factors in Making Disciplinary Decisions**

The parties agree that when determining consequences for students' disruptive behavior the following factors shall be considered, if information on the factors is available.

1. Age, health, and disability or special education status of the student.
2. Prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Students' willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.

The parties agree that when determining consequences for student's disruptive behavior the following factors shall not be considered:

1. Race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family.
2. Economic status of the student and family.

#### **C. Graduated Response Model**

**Classroom Intervention** - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and violations of classroom rules. School Resource Officers (SROs) should not be involved at this level. More than three incidents of the same behavior, if not in the same day, could lead to School Administrator Intervention. Classroom intervention options might include redirection, reteaching, school climate initiatives, moving seats, and the teacher should initiate parental contact.

**C. Graduated Response Model (continued)**

**School Administration Intervention** - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include time in the office, after school detention, loss of privilege, reparation, and/or parent conference.

**Assessment and Service Provision** - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services is appropriate. This intervention is managed by the school administrator or a Student Assistance Team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any classroom or school administration interventions and might include referral to a juvenile review board (JRB) or community service or program, suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. Police can be involved in their role on SATs and JRBs.

**Law Enforcement Intervention** - Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police, including the SRO. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after classroom, school administration and assessment and service interventions have been tried. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; referral to a JRB and/or community agencies; and referral to court.

**D. Police Activity at Schools**

The parties agree that police need to follow certain protocols when on school grounds in non-emergency circumstances as follows:

1. Police will act through school administrators whenever they plan any activity on school grounds.
2. Officers entering school grounds will be aware of the potential disruption of the educational process that police presence may cause.
3. Prior to entering a school to conduct an investigation, arrest or search, officers will consider the necessity of such action based on:
  - a. The potential danger to persons;
  - b. The likelihood of destruction of evidence or other property;
  - c. The ability to conduct the investigation, arrest or search elsewhere.

**D. Police Activity at Schools (continued)**

4. When taking a student into custody:
  - a. Officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises.
  - b. Whenever possible, students should be taken into custody out of sight and sound of other students.
5. For communities with School Resource Officers, the SRO will not be responsible for student discipline or enforcement of school rules, although the SRO may provide assistance to school personnel. The SRO will work collaboratively with the school administrator to determine the goals and priorities for the SRO program and the parameters for SRO involvement in school disciplinary matters.

**6. Body Worn Camera Usage**

- a. The body camera shall be rendered inactive while the SRO is on school grounds or at a school-related activity or event. Audio and video recordings will be utilized during all law enforcement specific contacts, to include investigative or enforcement functions. The SRO may activate the camera's recording system anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes.

***Alternate language:*** Each school resource officer assigned to a school within the District shall be equipped with a body worn camera and shall use such device in accordance with \_\_\_\_\_ Police Department policies for the usage of body worn cameras. The Superintendent of Schools or his/her designee will be immediately notified of any changes to the policy. A copy of the policy is attached hereto.

- b. The body worn cameras will not be activated in public places where individuals have a reasonable expectation of privacy, such as locker rooms, changing rooms or restrooms unless the SRO determines the camera must be activated for an official law enforcement reason.
- c. The SRO shall not record, utilizing the body worn camera, during the school day unless and until the SRO has reason to believe that a crime has been, or is in the process of being, committed. In the event an SRO is in a hostile situation or perceives that a complaint will be raised, in the SRO's discretion, the body worn camera can be activated and begin recording.
- d. If a body worn camera is turned on for any reason during the school day, the SRO shall promptly notify the school Principal or his/her designee.
- e. Unless designated otherwise, all video recordings captured by the body camera shall be the property of the \_\_\_\_\_ Police Department, and the Board of Education shall not be responsible for their storage, maintenance, release or disposal. The \_\_\_\_\_ Police Department shall maintain all video recordings for no longer than ninety (90) days, unless the video footage captures the commission of a crime, a disciplinary incident involving student(s) or school personnel, or is otherwise required to be archived by the Connecticut Records Retention Schedule.



**D. Police Activity at Schools (continued)**

- f. If a student is recorded by an SRO during the school day by a body worn camera, the SRO shall be considered a law enforcement unit of the school such that the records created by the SRO for law enforcement shall not be considered educational records.

*Alternate language:* Any such film or video taken by an SRO, and kept in the possession of the \_\_\_\_\_ Police Department may be considered law enforcement records under the Family Educational Rights and Privacy Act (FERPA). Any copy of such film or video, if permitted by law to be provided to the School District, may become an educational record of the District.

- g. Upon the request of the Building Principal or the Superintendent of Schools or his/her designee, the \_\_\_\_\_ Police Department may permit the Building Principal or his/her designee to view and obtain a copy of any video recording captured by the SRO while performing official SRO duties as outlined in this Memorandum of Understanding, subject to the requirements of the Freedom of Information Act, and the approval of the Chief of Police. Such recording or copy shall be considered a law enforcement record.
- h. The provisions of the Memorandum of Understanding shall apply to any \_\_\_\_\_ Police Department officer when using a body worn camera on school property, even if the police officer is not an assigned SRO to the school.

**IV. Data Collection and Monitoring**

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this agreement.

**Data Collection** – on a quarterly basis, the following information will be collected.

**School** – number and types of disciplinary actions, numbers and demographics of students involved, referrals to police.

**Police** – number and types of school incidents for which police incident reports are written, police actions on incidents.

For comparison purposes, the parties agree to retrieve the above data for a year prior to the signing of the agreement and quarterly after the signing of the agreement.

**Monitoring and Oversight** – on a regular basis and at least quarterly, parties acknowledge and agree that the School/Police Collaboration Team composed of at least two members from each party will meet to provide oversight of the agreement and review relevant data and analysis. At least annually, the Team will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation.

**V. Duration and Modification of Agreement**

This agreement shall become effective **Month, Day, Year** and shall remain in full force and effect until such time as the agreement is modified by the consent of the parties. The agreement may be modified at any time by amendment to the agreement.

In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to this document on this day.

\_\_\_\_\_  
Superintendent of Schools

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Sworn and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner of the Superior Court/  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

\_\_\_\_\_  
Chief of Police/Resident State Trooper

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Sworn and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner of the Superior Court/  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

(Source: Juvenile Justice Advisory Committee, Office of Policy and Management, 450 Capitol Avenue, Hartford, CT)

**NOTE: It is also recommended that the Memorandum of Understanding include a section which indicates how the cost of the SRO Program will be paid.**

*A sample regulation to consider/modify.*

## **Students**

### **Safety**

#### **School Resource Officer**

The School Resource Officer (SRO) provides a visible presence in the District's schools allowing students to develop a trust with law enforcement while linking district and community safety concerns and making District property inhospitable to criminals.

The SRO's responsibilities are equally divided into the three areas of law enforcement officer, law-related counselor and law-related educator. The SRO helps to create a safe and non-threatening learning environment, leading by example and promoting a positive image of law enforcement.

**The duties of the SROs shall include, but not be limited to:** *(also see appendix to the policy for a listing of possible duties.)*

1. The observation and reporting of any unlawful act;
2. The prevention of theft or misappropriation of any item of value;
3. The control of access to premises being protected;
4. The maintenance of order and safety at public activities;
5. Protection of District property, students, staff and persons and property on or about district property or while attending district-sponsored activities.
6. [Investigating and documenting specific incidents;]
7. [Assistance in identifying, intervening and communicating with at-risk students;]
8. [Provision of crime prevention education;]
9. [Promotion of a positive student attitude towards law enforcement;]
10. [Operating as a liaison between the community and the District.]

#### **Training of School Resource Officers will include the following areas:**

1. The law regarding arrest;
2. Search and seizure;
3. Appropriate use of force;
4. Fire detection and reporting of safety issues;
5. Notification of public authorities;
6. Reporting of incidents and preparation of necessary reports;
7. Deportment and ethics;
8. Knowledge of criminal and school law;
9. District policies and regulations;

## Students

### Safety

#### School Resource Officer (continued)

10. Knowledge of the National Incident Management System (NIMS) and the National Incident Command System;
11. First aid and CPR; and
12. Self-defense tactics.

The basic qualifications of School Resource Officers shall include the following:

1. Shall be a commissioned officer with a minimum of two years of law enforcement experience;
2. Shall possess a sufficient knowledge of all applicable Federal and State laws and Board of Education policies and regulations;
3. Shall be capable of conducting in depth criminal investigations;
4. Shall possess an even temperament and be able to set a good example for students; and
5. Shall possess communication skills that would enable the officer to function effectively within the school environment.

#### Graduated Response Model

The SRO Program will use the “Graduated Response Model” for student misconduct, as described below:

**Classroom Intervention** - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and violations of classroom rules. School Resource Officers (SROs) should not be involved at this level. More than three incidents of the same behavior, if not in the same day, could lead to School Administrator Intervention. Classroom intervention options might include redirection, reteaching, school climate initiatives, moving seats, and the teacher should initiate parental contact.

**School Administration Intervention** - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include time in the office, after school detention, loss of privilege, reparation, and/or parent conference.

## **Students**

### **Safety**

#### **School Resource Officer**

#### **Graduated Response Model (continued)**

**Assessment and Service Provision** - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services is appropriate. This intervention is managed by the school administrator or a student assistance team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any Classroom or School Administration interventions and might include referral to a Juvenile Review Board (JRB) or community service or program, suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. Police can be involved in their role on SATs and JRBs.

**Law Enforcement Intervention** - Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police, including the SRO. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after Classroom, School Administration and Assessment and Service interventions have been tried. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; referral to a JRB and/or community agencies; and referral to court.

#### **Chain of Command:**

As employees of the Police Department, SROs shall follow the chain of command as set forth in the Police Department's policies and procedure manual.

In the performance of their duties, SROs shall coordinate and communicate with the Principal or his/her designee of the school to which they are assigned.

#### **Dress Code:**

SROs shall/shall not be required to wear a departmental issued uniform.

#### **Transporting Students:**

SROs shall not transport students in their vehicles except:

- When the students are victims of a crime, under arrest, or some other emergency circumstances exist; and

## **Students**

### **Safety**

#### **School Resource Officer**

##### **Transporting Students: (continued)**

- When students are suspended and sent home from school pursuant to school disciplinary actions if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

If circumstances require that an SRO transport a student, then school officials must provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.

Students shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

SROs shall notify the school Principal before removing a student from campus.

##### **Investigation, Interrogation, Search and Arrest Procedures:**

The standard operating procedures for the investigation of crimes and interrogation, search and arrest of students are as follows:

1. **Interrogation Procedures:** In the event a serious crime (as defined below) is committed at school or at a school activity, the Principal or Assistant Principal with the assistance of the SRO should:
  - Question any witnesses to determine that a crime was committed and who committed the crime. The SRO shall have the general authority to question or interrogate any student at school who may have information about criminal misconduct or the violation of the conduct policies of the Board of Education. As a general rule, the interrogation should be conducted in cooperation with and in the presence of a school official but when immediate action is necessary or in an emergency situation, the SRO may interrogate a student without the presence of a school official.
  - Question the person suspected of committing the crime. As a general rule, the suspect should not be arrested or placed "in custody" during the initial interview or interrogation. The suspect shall be informed generally of the purpose of the investigation and given an opportunity to present informally his/her knowledge of the facts. If the suspect wishes to remain silent, to contact his/her parents or an attorney, or to end the interview, the questioning should cease and the suspect's request should be granted unless there is a reasonable cause to detain the student for questioning.

## Students

### Safety

#### School Resource Officer

#### Investigation, Interrogation, Search and Arrest Procedures: (continued)

2. If a student is detained, placed in custody or arrested, the student must be advised prior to further questioning by a SRO:
  - That he/she has the right to remain silent;
  - That anything he/she says can be used against him/her in a court of law;
  - That he/she has a right to have a parent, guardian or custodian present during questioning;
  - That he/she has a right to talk with an attorney before you ask any questions and he/she has a right to have his/her attorney present with him/her during questioning;
  - That if he/she cannot afford to hire an attorney, one will be appointed for him/her by the court before any questioning if he/she wishes; and
  - That if he/she decides to answer now without an attorney present, he/she will still have the right to stop answering questions at any time. He/she also has the right to stop answering questions at any time until he/she talks to a lawyer.
  - That if the suspect is a minor, the child's parent, guardian, or custodian shall be contacted and invited to be present during the interview and the accused shall be advised of his/her rights.

#### Search Procedures:

If the Principal or his/her designee has reasonable grounds for suspecting that a search of a student or a student's possessions will uncover evidence that the student has violated or is violating either the law or the rules of the school, the Principal or his/her designee may search the student's pockets, pocketbook, bookbag, desk, locker, vehicle or any similar location within the student's control. When requested by school officials, the SRO shall assist with the search in order to protect the safety of all persons involved in the search. If the search uncovers evidence of criminal misconduct, the evidence may be held for or turned over to the SRO.

School officials shall not conduct a "strip search" without a search warrant. A strip search is defined as a search of a student's person, which requires the student to remove his/her clothing in order to determine if any evidence is concealed within the student's undergarments or on the body. The term does not include the removal of outer garments such as coats, hat, shoes, etc. If there is probable cause to believe that a student has concealed or is concealing evidence of criminal misconduct within his/her undergarments, the SRO should assist the school official in obtaining a warrant to search the student.

## **Students**

### **Safety**

#### **School Resource Officer (continued)**

##### **Reporting of Serious Crimes:**

If the investigation uncovers evidence of a crime as defined in statute, the school official shall notify the SRO, the student's parent/guardian and the Superintendent's office.

##### **Bomb Threats:**

School officials, the SRO and fire safety officials shall cooperate in the implementation of procedures in the event of a bomb threat. In all cases, such incidents shall be reported by the Principal to the Superintendent's office and to the SRO.

##### **Controlled Substances:**

School officials shall notify the SRO in all cases involving the possession, sale or distribution of controlled substances at school or school activities.

Any controlled substances or suspected controlled substances confiscated by school officials shall be turned over to the SRO for proper identification and eventual disposition.

##### **Riots and Civil Disorders:**

In the event a riot or civil disorder occurs on a school campus, the Principal and the SRO shall discuss and agree upon a response to the situation.

If, in the opinion of the Principal and SRO, additional law enforcement personnel are needed to restore and/or maintain order, the SRO will contact the appropriate law enforcement agency and request that assistance. The Principal or his/her designee also shall notify the Superintendent.

The Principal or his/her designee shall be prepared to respond to questions from the news media, parents and other members of the public as soon as order is restored.

If deemed necessary by school and law enforcement officials, the media and the public may be restricted to an area off campus away from the disturbance until order is restored.

The SRO or officer in charge shall consult with the Principal about the need or decision to arrest and/or remove students and other persons from the campus. However, law enforcement officials shall have the authority to arrest and remove any person who commits a crime in their presence.



## Students

### Safety

#### School Resource Officer (continued)

The names of any students arrested and removed from campus should not be released to the news media until their parents have been notified and in no event shall the names of juvenile students who have been removed from campus be released to the news media.

#### Education Records:

School officials shall allow SROs to inspect and copy any public records maintained by the school including student directory information. However, law enforcement officials may not inspect and/or copy confidential student education records except in emergency situations.

If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence.

If confidential student records information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

#### Body Worn Camera Usage

The body camera shall be rendered inactive while the SRO is on school grounds or at a school-related activity or event. Audio and video recordings will be utilized during all law enforcement specific contacts, to include investigative or enforcement functions. The SRO may activate the camera's recording system anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes.

***Alternate language:*** Each School Resource Officer assigned to a school within the District shall be equipped with a body worn camera and shall use such device in accordance with Police Department policies for the use usage of body worn cameras.

The body worn cameras will not be activated in public places where individuals have a reasonable expectation of privacy, such as locker rooms, changing rooms or restrooms unless the SRO determines the camera must be activated for an official law enforcement reason.

The SRO shall not record, utilizing the body worn camera, during the school day unless and until the SRO has reason to believe that a crime has been, or is in the process of being, committed. In the event an SRO is in a hostile situation or perceives that a complaint will be raised, in the SRO's discretion, the body worn camera can be activated and begin recording.

## Students

### Safety

#### School Resource Officer

#### Body Worn Camera Usage (continued)

If a body worn camera is turned on for any reason during the school day, the SRO shall promptly notify the school Principal or his/her designee.

Unless designated otherwise, all video recordings captured by the body camera shall be the property of the Police Department, and the Board of Education is not responsible for their storage, maintenance, release or disposal.

If a student is recorded by an SRO during the school day by a body worn camera, the SRO shall be considered a law enforcement unit of the school such that the records created by the SRO for law enforcement shall not be considered educational records.

*Alternate language:* Any such film or video taken by an SRO, and kept in the possession of the Police Department may be considered law enforcement records under the Family Educational Rights and Privacy Act (FERPA). Any copy of such film or video, if permitted by law to be provided to the School District, may become an educational record of the District.

Upon the request of the Building Principal or the Superintendent of Schools or his/her designee, the Police Department may permit the Building Principal or his/her designee to view and obtain a copy of any video recording captured by the SRO while performing official SRO duties as outlined in the Memorandum of Understanding, subject to the requirements of the Freedom of Information Act, and the approval of the Chief of Police. Such recording or copy shall be considered a law enforcement record.

Regulation approved:

cps 2/02  
rev 2/13  
rev 1/15  
rev 1/21

## Instruction

### Individualized Education Program/Special Education Program

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

Each Planning and Placement Team shall have in effect the individualized education program for each child requiring special education and related services as of the beginning of each school year.

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

1. A statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum or, for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
2. A statement of measurable annual educational goals, including academic and functional goals designed to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other educational needs that result from the child's disability;
3. A statement of how the child's progress toward meeting the annual goals will be measured, and when periodic reports will be available on the progress the child is making toward meeting the annual goals. (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards);
4. A statement of short-term instructional objectives derived from the measurable annual goals. Short-term instructional objectives shall include objective criteria, evaluation procedures and schedules for determining, on a regular basis, whether the short-term instructional objectives are being achieved;
5. A statement of short-term instructional objectives for students with disabilities who take alternative assessments aligned to alternative achievement standards;
6. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, as well as a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education environment, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and nondisabled children;
7. A list of the individuals who shall implement the individualized program;
8. The projected date for the beginning of the special education and related services, and the anticipated frequency, location and duration of the special education and related services;
9. A description of the extent, if any, to which the child will not participate with nondisabled children in regular classes and activities;
10. The specifics of the child's transportation needs;
11. A statement of any individual appropriate accommodations that are necessary to measure the academic and functional performance of the child on State and District assessments;
12. If it is determined that the child will take an alternate assessment on a State or District assessment of student achievement, a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child;
13. Beginning not later than the first IEP to be in effect when the child is sixteen (16), or fourteen (14) if the child is diagnosed with Autism Spectrum Disorder, and updated annually thereafter, a statement of appropriate, measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills, and the

transition services needed to assist the child in reaching those goals;

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

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

The IEP for any child identified as deaf or hard of hearing shall include a language and communication plan developed by the PPT. Such language and communication plan shall address:

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

Legal References: 20 U.S.C. § 1414. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

34 C.F.R. § 300.8. Child with a Disability.

34 C.F.R. § 300.17. Free Appropriate Public Education.

34 C.F.R. § 300.22. Individualized Education Program.

34 C.F.R. § 300.34. Related Services

34 C.F.R. § 300.39. Special Education.

34 C.F.R. § 300.43. Transition Services

34 C.F.R. § 300.320. Definition of Individualized Education Program.

34 C.F.R. § 300.324. Development, Review, and Revision of IEP.

Conn. Gen. Stat. § [10-76a](#). Definitions.

Conn. Gen. Stat. § [10-76d](#). Duties and Powers of Boards of Education to Provide Special Education Programs and Services. Medicaid Enrollment, Participation and Billing Requirements. Development of Individualized Education Program. Planning and Placement Team Meetings. Public Agency Placements. Apportionment of Costs. Relationship of Insurance to Special Education Costs. Prohibition on Punishing Members of Planning and Placement Teams for Certain Behavior During Meetings.

Conn. Gen. Stat. § [10-76jj](#). Language and Communication Plans for Children Identified as Deaf or Hard of Hearing (as amended by Public Act. No 19-184)

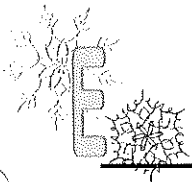
R.C.S.A. § [10-76a-1](#). General Definitions.

R.C.S.A. § [10-76d-11](#). Individualized Education Program.

**Policy adopted: November 16, 2020**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut



# SPECIAL EDUCATION POLICY REVISION

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

As a result of a court decision, *A.R. v. Connecticut State Board of Education*, all students with disabilities who have not yet turned 22 years of age and who have not received a regular high school diploma, remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) up until their 22<sup>nd</sup> birthday or until they graduate from high school with a regular high school diploma, whichever occurs first.

Districts must contact all adult students and parents impacted by this court decision and advise them that they remain eligible for special education services under the IDEA until their 22<sup>nd</sup> birthday, as outlined in their IEP until they turn 22 years of age or they graduate with a regular high school diploma, whichever occurs first. This includes continued eligibility for students who were already exited under IDEA because of turning 21 during the 2019-2020 school year, in accordance with the then effective state law.

The Connecticut State Department of Education reminded school districts that any student who exited high school during the 2019-2020 school year as a result of either completing school with other credentials (student did not graduate with a regular high school diploma), discontinued schooling, transferred to a GED program, or moving/not known to be continuing, still has an entitlement to FAPE. These students may be re-admitted to public school and maintain eligibility for receipt of special education and related services up until their 22<sup>nd</sup>

birthday or until they graduate with a regular high school diploma, whichever occurs first. These students may enroll in public school up and until their 22<sup>nd</sup> birthday.

Students whose eligibility terminated when they graduated with a regular high school diploma are not subject to an extension of eligibility until they turn 22, nor entitled to compensatory education.

The ruling found that because Connecticut provides public education to non-disabled individuals over the age of 21 in the form of adult education and GED programs, it must offer something similar for special education students.

**Policy Implications:** Policy #6159, "Individualized Education Program/Special Education Program," and Policy #6171, "Special Education," are impacted by this decision. They have been revised to be in compliance with this court ruling and directives from the State Department of Education.

The modifications made to the policy, based on the ruling described above, are very limited. Therefore, only excerpts from the impacted policies are included in this publication. The full text of the policies is available upon request and/or can be found in the CORE manual found in the membership section of the CABA website.



January 2021



## **Instruction**

### **Individualized Education Program/Special Education Program**

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

A parent of a child, the State Department of Education, other state agencies available to District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 60 calendar days of the receipt of written parental consent, for the initial evaluation; or implement the student's IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45 school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student's IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

### **Planning and Placement Team or Individualized Education Program Team**

The term "individualized education program team" or "IEP Team" means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

(1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -

(i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;



- (ii) Meeting each of the child's other educational needs that result from the child's disability; and
- (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

### **Alternate Assessments**

(iii) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) A school must offer an IEP that is "reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances." The child's educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child's:

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and
- Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, "any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

(5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;

(6) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(8) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year

(9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and



District agree that it is unnecessary.

NOTE: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and maybe progress in, the general education curriculum ("the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.")

(b) **Transition services.**

(1) The IEP must include -

(i) For each student beginning not later than the first IEP to be in effect when the child is sixteen, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals:

(iii) For each student, who is at least fourteen years of age, and diagnosed with autism spectrum disorder, beginning not later than the date on which the first IEP takes effect, a statement of transition service needs which shall include appropriate transition assessments related to training, education, employment and where appropriate, independent living skills. In addition, the statement of transition needs shall include the transition services, including courses of study, needed to assist a child in reaching those goals. Such IEP shall be updated annually.

(iv) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.

(2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

(c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.

(e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;

(i) the child's primary language or mode of communication;

(ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;

(iii) educational options available to the child;

(iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;

(v) the accessibility of academic instruction, school services and extracurricular activities to the child;

(vi) Assistive devices and services for the child;

(vii) Communication and physical environment accommodations for the child; and

(viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

## Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

## Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions

[10-76b](#) State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

[10-76d](#) Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277 and PA 19-49)

[10-76ff](#) Procedures for determining if a child requires special education

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure.

PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

[10-76jj](#) Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

*Rowley v. Board of Education*, 485 U.S.-176 (1982)

*Andrew F. v. Douglas County School District* RE-1, 15-827 U.S. (2017)

*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)

*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)

*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

## Policy adopted:

*Recommended policy to consider.*

## **Instruction**

### **Individualized Education Program/Special Education Program**

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a “special education planning and placement team” (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22<sup>nd</sup> birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their Individualized Education Program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

Addition to legal reference:

*A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)*

*Another version of this policy.*

**Instruction**

**Individualized Education Program/Special Education Program**

The school district shall comply with all state and federal laws concerning the provision of a free appropriate public education to students with disabilities.

**Referral**

The school district is responsible for identifying children with disabilities and for determining whether such children are eligible for special education services. Any child who is a resident of the Town, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as potentially being in need of special education shall be referred to a "Special Education Planning and Placement Team" (PPT) which shall make an evaluative study to determine whether special education is required and to establish the scope of the special education services.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22<sup>nd</sup> birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

## Hate-Based Conduct

Respecting diversity and fostering inclusion are core goals of the \_\_\_\_\_ Board of Education as we help students become civically engaged and develop critical skills for a global perspective. The \_\_\_\_\_ Board of Education is committed to creating and maintaining an educational environment that embraces diversity and inclusion, and believes our community is strengthened by the richness of each other's diverse characteristics, identities, statuses, backgrounds, beliefs, traditions, and opinions.

Hate-based conduct is antithetical to the Board's commitment to diversity and inclusion and will not be tolerated. As such, it is the policy of the Board that any form of hate-based conduct is prohibited, whether by students, Board employees, or third parties subject to the control of the Board. The Board's prohibition of hate-based conduct expressly extends to academic, nonacademic, and extracurricular activities, including athletics. Further, the Board expressly prohibits any form of hate-based conduct on school grounds; at a school-sponsored activity (including, without limitation, on a school bus); or off school grounds if such conduct is seriously disruptive of the educational process. Discrimination and/or retaliation against an individual who reports or assists in the investigation of hate-based conduct is likewise prohibited.

For the purposes of this policy, **hate-based conduct** means conduct that attacks, threatens, intimidates, degrades, or otherwise infringes on the rights of an individual based on such individual's race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. Such conduct includes, but is not limited to, the use of a written, oral, or electronic communication or a physical act or gesture that:

1. causes physical or emotional harm to an individual or damage to such individual's property;
2. places an individual in reasonable fear of harm to himself or herself, or of damage to his or her property;
3. creates a hostile environment for such individual at school or during a school-sponsored activity;
4. infringes on the rights of an individual at school or during a school-sponsored activity; and/or
5. substantially disrupts the educational process or the orderly operation of a school.

Hate-based conduct may also include, without limitation, conduct that violates other Board policies and administrative regulations (*e.g.*, Policy and Regulation \_\_\_\_\_, Non-Discrimination (Personnel); Policy and Regulation \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Personnel); Policy and Regulation \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Students); Policy \_\_\_\_\_, Bullying Prevention and Intervention Policy; Policy and Regulation \_\_\_\_\_, Non-Discrimination (Students)).

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

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

Students who engage in hate-based conduct shall be subject to intervention ranging from school counseling and restorative justice opportunities to school discipline, up to and including expulsion, in accordance with Board Policy \_\_\_\_\_ (Student Discipline), and consistent with state and federal law. Employees who engage in hate-based conduct shall be subject to discipline, up to and including termination of employment, in accordance with any applicable Board policies, administrative regulations, and/or contractual provisions, and consistent with state and federal law.

Allegations of conduct that violates other Board policies, such as allegations of discrimination, harassment (including, but not limited to, sexual harassment), and/or bullying, will be handled under the appropriate policies and administrative regulations (*e.g.*, Policy and Regulation \_\_\_\_\_, Non-Discrimination (Personnel); Policy and Regulation \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Personnel); Policy and Regulation \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Students); Policy \_\_\_\_\_, Bullying Prevention and Intervention Policy; Policy and Regulation \_\_\_\_\_, Non-Discrimination (Students)).

Cross references **EXAMPLES ONLY**:

Policy \_\_\_\_\_, Civility

Policy \_\_\_\_\_, Non-Discrimination

Policy \_\_\_\_\_, Non-Discrimination (Personnel)

Regulation \_\_\_\_\_, Administrative Regulations Regarding Discrimination Complaints (Personnel)

Policy \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Personnel)

Regulation \_\_\_\_\_, Sex Discrimination and Sexual Harassment Complaint Procedure (Personnel)

Policy \_\_\_\_\_, Social Networking - Personnel

Policy \_\_\_\_\_, Student Discipline

Policy \_\_\_\_\_, Sex Discrimination and Sexual Harassment (Students)

Regulation \_\_\_\_\_, Administrative Regulations Regarding Sex Discrimination and Sexual Harassment

Policy \_\_\_\_\_, Bullying Prevention and Intervention Policy

Policy \_\_\_\_\_, Non-Discrimination (Students)

Regulation \_\_\_\_\_, Administrative Regulations Regarding Discrimination Complaints (Students)

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

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

## Students

### Non-Discrimination

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

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

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

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

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5145.4 and are available online at <http://www.westportps.org/district/policies> or upon request from the main office of any district school.

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

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

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

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

Connecticut Commission on Human Rights and Opportunities  
 450 Columbus Blvd.  
 Hartford, CT 06103-1835



(800-477-5737)

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

**Office of the Superintendent, 203-341-1025**

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

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

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

**Assistant Superintendent of Pupil Personnel Services, 203-341-1250**

Legal References:

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.

Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.

Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined

Connecticut General Statutes § 46a-58. Deprivation of Rights

**ADOPTED: January 22, 2018**

**Amended: November 16, 2020**

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Series 5000  
Students**

**NON-DISCRIMINATION (STUDENTS)**

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

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

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

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

For the purposes of this policy, “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board’s complaint procedures and complaint form, which are included in the Board’s Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # \_\_\_\_\_ **[Insert Policy # for Students/Non-Discrimination Policy]** and are available online at **[Insert website address for Board policies]** or upon request from the main office of any district school.

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

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

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

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

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

**[Insert name/title, address, telephone number of person(s)]**

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

**[Insert name/title, address, telephone number. e-mail address]**

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

**[Insert name/title, address, telephone number]**

Legal References:

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.

Connecticut General Statutes § 1-1n, “Gender Identity or Expression”  
defined

Connecticut General Statutes § 10-15c

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut General Statutes § 46a-81a, et seq.

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

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

3/11/2021



## Students

### Nondiscrimination

#### Racial Harassment of Students

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial\* discrimination, including harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses. Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding racial harassment and to implement preventative measures to help reduce incidents of racial harassment.

A copy of this policy and its accompanying regulation is to be distributed to all personnel and students and posted in appropriate places.

**\*For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI - that is, race, color, and national origin.**

(cf. [0521](#) - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

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

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

(cf. 5131.2 - Assault)

(cf. [5131.21](#) - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. [5145.5](#) - Sexual Harassment)

(cf. [5145.51](#) - Peer Sexual Harassment)

Policy adopted:

## Community Relations

### Non-Discrimination

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

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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

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

Any individual wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination. These regulations accompany Board Policy #[1511](#) and are available online at <http://www.westportps.org/district/policies> or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled in accordance with other appropriate policies (e.g., Policy #[4118.112](#) and Policy #[4218.112](#), Sex Discrimination/Harassment in the Workplace; Policy #[5145.5](#), Sex Discrimination and Sexual Harassment (Students); Policy #[4111.4](#) and Policy #[4211.4](#), Section 504/ADA (Personnel), and Policy #[5145](#), Section 504/ADA (Students)).

Individuals also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800-669-4000)

Individuals may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

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

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**Director of Pupil Services, 203-341-1250**

Legal References:

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Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

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

Age Discrimination in Employment Act, 29 U.S.C. § 621

Americans with Disabilities Act, 42 U.S.C. § 12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § [10](#)-153. Discrimination on basis of marital status

Connecticut Fair Employment Practices Act, Connecticut General Statutes § [46a](#)-60

Connecticut General Statutes § [46a](#)-81a Discrimination on basis of sexual orientation: Definitions

Connecticut General Statutes § [46a](#)-81c Sexual orientation discrimination: Employment.

Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members, Application for Certain Medicaid Programs, and Disclosure of Certain Records to Federal Military Law Enforcement

**ADOPTED: January 22, 2018**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut



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

**NON-DISCRIMINATION**

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

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Any individual wishing to file a complaint regarding discrimination may obtain a copy of the Board’s complaint procedures and complaint form that are included in the Board’s Administrative Regulations Regarding Non-Discrimination. These regulations accompany Board Policy # \_\_\_\_\_ **[Insert Policy # for Community/Non-Discrimination Policy]** and are available online at **[Insert website address for Board policies]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled in accordance with other appropriate policies (e.g., Policy #\_\_\_\_\_ **[Insert Policy #]**, Sex Discrimination/Harassment in the Workplace ; Policy #\_\_\_\_\_ **[Insert Policy #]**, Sex Discrimination and Sexual Harassment (Students); Policy #\_\_\_\_\_ **[Insert Policy #]**, Section 504/ADA (Personnel), and Policy #\_\_\_\_\_ **[Insert Policy #]**, Section 504/ADA (Students)).

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Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
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**[Insert name/title, address, telephone number, e-mail address]**

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

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Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

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

Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Connecticut General Statutes § 1-1n, "Gender Identity or Expression"  
defined

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes  
§ 46a-60

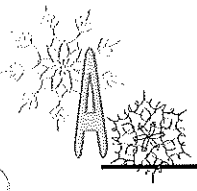
Connecticut General Statutes § 46a-81a, Sexual orientation discrimination:  
Definitions

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:  
Employment

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

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

3/11/2021



# ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

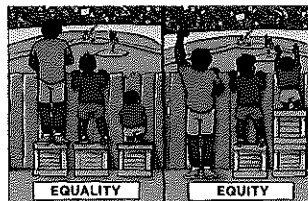
~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

We have witnessed protests across the country since the death of George Floyd and a number of racial incidents which give evidence to the need for change. As a society and in our schools we are facing new challenges brought about by the global pandemic and being confronted by brutal examples of racism and wide-spread calls for societal changes. Protests are not new as people of all races have experienced pain, frustration, and anger over the mistreatment of Black people in our nation. Black people and other people of color are tired of explaining, demonstrating, pleading, recording and articulating the realities of racism. Tyrone Howard in Education Week summarized it best saying, "Labels such as 'mistreatment,' 'discrimination,' or 'prejudice' no longer describe the depths and breadth of what we are witnessing. We must identify what we are seeing as "anti-Black racism," and that should inform our current discussions."

Gary Orfield of the Civil Rights Project at the University of California stated, "We have become a nation that accepts separate and unequal schools as if nothing can be done about segregation. As a nation, we expect our schools to create equal outcomes for students who leave their homes severely disadvantaged by family and community poverty, who arrive at their school to find sometimes unqualified or inexperienced teachers and who leave these schools as soon as they can." He goes on to state, "Across 21<sup>st</sup> – century America, segregation has reached levels for millions of students once found only in the old south. It has produced schools that require massive resources to offer the kinds of opportunities and instruction routinely available to students in privileged schools and communities."

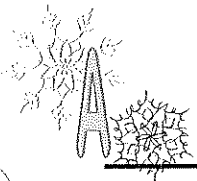


The global pandemic has illuminated racism in perhaps unforeseen ways. During these tumultuous times the leadership by boards of education and the entire education community is extremely important. It is recognized that this may be an uncomfortable time for many, but it is not appropriate to turn away from this moment. The protests across the country and the heightened level of civic engagement by students and community members provide the impetus to work harder to tackle the racial and ethnic disparities that exist in our schools. Unless concerted action is taken, injustices and inequities will continue to persist for our students, both inside and outside of school.

"We are living at a time of obscene inequities, and merely trying to compensate is not enough." The American Association of School Administrators recently announced. The Association called on its members to "become actively anti-racist" and "ensure that cultural responsiveness permeates all levels." Silence favors the status quo and the violently oppressive harm it does to people of color everywhere.

It will not be easy to reduce the harm done to our Black children and all students of color and to prepare them for a better future.

CABE, through its Ad Hoc Committee on Diversity, Equity and Inclusion defined educational equity as access to resources, opportunities, and processes that unleash potential and enhance success and prosperity for each and every child. Equity is NOT sameness. Equity recognizes and responds to the gifts and needs in each individual in each community. CABE, to assist districts, has developed an "Equity Toolkit for Connecticut Boards of Education."



# ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

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CABE has worked to reconsider its contributions to racial equity in order to ensure that all children are successful in our schools. We can no longer tolerate the racism that students of color face in our schools and in broader society. It is time to think and act differently. Educational excellence cannot exist without equity.

The public school system is the best institution to act as the foundation for reshaping how young adults and future leaders think and respond to racial injustice. However, more than just expressing a desire for change is necessary. A commitment to action with specific measures taken is required. The need exists to move from words to measurable actions to address systemic racism in our school systems, communities, state and nation. Schools must become a safe haven for all students, without the structures that breed inequality.



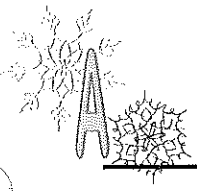
The effort to combat the problem of racism in our society must be guided by the goal to have our students truly representing the diversity of human experience and prepared to interact, survive and thrive as 21<sup>st</sup> century learners. School programs and support services must be informed by and sensitive to each child's social and emotional needs enabling them to be fully present and engaged in learning. The barriers that cause a student body to be comprised of the "haves" and the "have-nots" must be eliminated permitting all students, as a result, to engage in challenging learning experiences. The goal is to achieve a student body that is motivated and supported to discover their passions and advance toward positive personal, familial, social, civil and vocational goals and opportunities.

Learning about differences and ensuring a culturally relevant curriculum must be a part of the program in all districts, not just those with higher numbers of students of color, low-income students, students with disabilities or second-language students. We all have a responsibility to teach and learn about our world of differences. In addition, good intentions will not be enough. Racism in the schools must be confronted, not ignored or tolerated. Agreeably, many educators will need help in confronting this reality. White educators growing up did not have to face the realities of racism. We will need to get out of our personal comfort zones. The development and implementation of training and support plans is necessary to give teachers the skills needed to better work with students of all backgrounds and to teach with materials and practices that fully recognize the contribution of all cultures and races to our nation.

Black educators have offered the following solutions to confronting racism in schools:

1. Implicit bias and cultural awareness training for teachers, administrators and staff.
2. Trauma-informed school guidance counselors.
3. Culturally inclusive curriculum.
4. Ethnically and racially diverse school boards, administrators, teachers and staff.
5. Alternative disciplinary practices instead of suspensions and expulsions.

The above, in addition to other issues, must be confronted to address ugly racism in our midst. Educators must also recognize and demand changes in the racial conditions outside the school setting that make schooling much harder. These include public policy pertaining to housing, wages, health care, and daycare.



# ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

~Page 3~

President Randi Weingarten of the American Federation of Teachers (AFT) stated, "Combating racism is everyone's responsibility, we must do all we can to create safe and welcoming environments." The AFT has called on local school boards to pass and enforce anti-racist policies and encourage and support the efforts of teachers, school support staff and its affiliates regarding the effort to fight the destructive impact of systemic racism and a culture that enables white nationalism and white supremacy.

Professor Bettina Love at the University of Georgia, in an op-ed appearing in Education Week stated, "In the field of education, anti-racism often looks like school districts managing inequality and racism instead of eliminating them." She challenges us by indicating, "If anti-racism is going to be more than a slogan, then white people must follow the lead of these activists and educators and stop believing they are too fragile to work toward ending racism."

## Policy Implications

Schools must be part of the solution in racial reckoning and healing. Deliberate steps must be taken to end racism. Professor Detra Price-Dennis of Teachers College, Columbia University, indicated "You have to show up for the whole journey to change the culture of the school and the school district to make a difference in the lives of staff and students. Equity, anti-racism, cultural responsiveness have to be integrated. Multiculturalism is not an add-on." Students have to be prepared to live in a multicultural society.

The current system of schooling in our nation does not provide white students with anti-racist curriculum, language to call out racism, or teachers of color to learn from. Many white students complete 13 years of

schooling without ever having a teacher of color or being challenged to disrupt their learned racism.

Through policy, the board indicates what it wants to see happen. Therefore, it is considered appropriate to adopt a policy pertaining to anti-racism. A new policy, #0525.1 "Anti-Racism (Confronting Racism in Schools)" has been developed for your consideration and use. Two versions of this policy, in addition to a sample administrative regulation, are provided. This is considered a recommended policy for inclusion in a district's manual.

This new policy continues the effort to confront racial issues in the schools with the new policy presented in the November 2020 Update, policy #0524, "Hate Crimes and Bias Issues in Schools."

A sample board resolution pertaining to anti-racism is also provided.

Every student deserves a respectful learning environment in which their cultural, racial and ethnic diversity is valued and contributes to successful academic outcomes. Districts need to be committed to identifying and correcting practices and policies that perpetuate the achievement gap and institutional racism in all forms in order to provide all students with the opportunity to succeed. Learning and work environments are enriched and improved by the contributions, perspectives and very presence of diverse participants.

Therefore, sample policy #0523, "Equity and Diversity," also pertains to this topic. This "good practice" recommended policy was developed and published a few years ago. The three versions of that policy are included in this section for your consideration.

January 2021

*A recommended policy to consider.*

## **Mission – Goals – Objectives**

### **Anti-Racism (Confronting Racism in Schools) (version #1)**

The \_\_\_\_\_ Board of Education (Board) rejects all forms of racism as destructive to the Board's mission, vision, values, and goals. The Board is committed to the following principles:

1. Establishing and sustaining a school community that shares the collective responsibility to address, eliminate, and prevent actions, decisions, and outcomes that result from and perpetuate racism.
2. Eliminating inequitable practices and cultivating the unique gifts, talents, and interests of every child to end the predictive value of social or cultural factors, such as race, class, poverty or gender, on student success.
3. Respecting and championing the diversity and life experiences of all community members to support the District's mission, vision, values, goals, and objectives.
4. Acknowledging that racism is often compounded by other forms of discrimination, including, but not limited to, those protective classes referenced in policy 0521, "Nondiscrimination."

### **Purpose**

Personal and institutional racism have historically existed and may continue to exist in the District and community. Combating racism in the schools is a legal and moral imperative.

There is evidence of significant disparities between racial groups in student academic performance, achievement, and participation in academic programs. These include disparities in graduation rates, gifted identification, course participation, special education identification, standardized test scores, and suspension and expulsion rates. Disparities also exist between the racial demographics of the students in the District and the staff hired.

These equity gaps exist because of inequitable access to opportunities that have significant intergenerational effects and perpetuate economic, social, and educational inequity. However, racial inequities were created over time and can be eliminated. Similarly, personal prejudice is learned and can be unlearned. Educators play a vital role in reducing racism and inequity by recognizing the manifestations of racism, creating culturally inclusive learning and working environments, and dismantling educational systems that directly or indirectly perpetuate racism and privilege through teaching, policy, and practice.

The purpose of this policy is to eliminate all forms of racism from the District in conjunction with related Board policies.

## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

#### Definitions

1. **Anti-Racism:** the practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.
2. **Individual Racism:** pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.
3. **Institutional Racism:** means the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.

[It occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often unintentionally produce inequitable outcomes for people of color and advantages for white people.]

4. **Structural (or systemic) Racism:** encompasses the history and current reality of institutional racism across all institutions and society. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

(Definitions adapted from the Government Alliance on Race and Equity.)

The intent of this policy is to dismantle the individual, institutional, and structural racism that may exist in the District.

The Board directs the following action:

#### Leadership and Administration

The Board shall address systemic racism as follows:

1. Develop and conduct a systemic Equity Needs Assessment for the District to identify processes and practices that cause or contribute to inequitable outcomes. The Assessment shall also include an inventory of what equity-related data is currently collected by the District. Following the assessment, strategies will be developed and implemented to address the identified issues.



## **Mission – Goals – Objectives**

### **Anti-Racism (Confronting Racism in Schools)**

#### **Leadership and Administration (continued)**

2. To address disparities in course participation (including AP/honors participation):
  - a. All school staff making class recommendations shall provide an explanation for the recommendation to students and/or families.
  - b. School counselors shall be responsible for educating students and families as equitable partners in the selection process and course sequencing.
  - c. Middle and high schools will offer opportunities for supplementary coursework, such as summer programs or tutoring during or after school, to students interested in moving to higher level courses.
3. The Board shall implement alternative discipline processes, such as restorative justice, to reduce racial disparities in discipline and suspension and expulsion.
  - a. To ensure consistency in student discipline, each school shall collect and, at least annually, report data on all disciplinary actions. The data shall include the student's race/ethnicity, gender, socio-economic status, special education, and English Language Learner status, as well as a written explanation of the behavior leading to discipline and the specific corrective action taken.
  - b. When school administrators determine a student has committed a racist act, the student will be provided the opportunity to learn about the impact of their actions on others through such practices as restorative justice, mediation, role play or other explicit policies or training resources.

#### **Curriculum and Instruction**

1. Curriculum and instructional materials for all grades shall reflect cultural and racial diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups of color.
2. All curriculum materials shall be examined for racial bias. Where materials reflect racial bias, teachers utilizing the materials will acknowledge the bias and communicate it to students and parents.
3. The Board shall implement an anti-racist curriculum and provide educational resources for students at every grade level.
4. Student in-class and extra-curricular programs and activities shall be designed to provide opportunities for cross-cultural and cross-racial interactions to foster respect for cultural and racial diversity.

## **Mission – Goals – Objectives**

### **Anti-Racism (Confronting Racism in Schools) (continued)**

#### **Training**

1. All staff shall be trained in this anti-racism policy.
2. All teachers and administrators shall be trained in cultural awareness and/or culturally responsive teaching practices. Culturally responsive teaching practices shall be incorporated into Board approved appraisal systems, including the teacher appraisal system and the administrator performance appraisal.
3. All staff shall be trained about racism and about how racism produces inequitable practices and outcomes.

#### **Policy Communication**

1. Each school shall post a public statement against racism in a location visible to students, staff, and visitors entering the school. The District will also post a public statement in high traffic locations at its main offices and on the District website.
2. The public statement shall read: “\_\_\_\_\_ Schools is committed to establishing and sustaining an equitable community that achieves the District’s equity mission to end the predictive value of race and ensure each individual student’s and staff members’ success. The Board of Education rejects all forms of racism as destructive to its mission, vision, values, and goals.”
3. The Board shall establish a committee of students to promote equity and diversity and to serve as leaders and spokespersons within their schools.
4. This policy shall be included in student handbooks provided to students and families.
5. This policy shall be posted on the District website and the website of each school.

#### **Policy Enforcement**

1. Staff shall collect, review, and provide an annual report to the Board on data regarding racial disparities in areas including, but not limited to, student achievement, enrollment, suspension/discipline, graduation rates, and gifted identification. The report shall also include evidence of growth in each area outlined by the anti-racism policy (i.e., communication, leadership and administration, curriculum and instruction). The written reports shall also be made available to the public, to the student diversity committee, and to school equity teams.
2. The Superintendent or his/her designee shall be responsible for implementation and evaluation of District strategies for implementation. Adequate resources shall be made a part of the District’s budget.
3. The District shall ensure there are various means for students and staff to report racism and other forms of discrimination.

## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

- (cf. 0521 – Nondiscrimination)
- (cf. 0523 – Equity and Diversity)
- (cf. 0524 – Hate Crimes and Bias Incidents in Schools)
- (cf. 4111 – Recruitment and Selection)
- (cf. 4111.1/4211.1 – Affirmative Action)
- (cf. 4118.11 – Nondiscrimination)
- (cf. 4118.113/4218.113 – Harassment)
- (cf. 4118.3 – District Minority Recruitment Plan)
- (cf. 4131 – Staff Development)
- (cf. 5131.911 – Bullying/Safe School Climate Plans)
- (cf. 5144.12 – Restorative Justice Approach to Discipline)
- (cf. 5144.5 – Progressive Discipline and Promoting Positive Social Behavior)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.53 – Transgender and Non-Conforming Youth)
- (cf. 5145.54 – Civility)
- (cf. 6115 – Ceremonies and Observances)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)
- (cf. 6141.21 – Religions in the Public Schools)
- (cf. 6141.22 – Religious Accommodations)
- (cf. 6144 – Teaching about Controversial Issues)

Legal Reference: Connecticut General Statutes  
 46a-60 Discriminatory employment practices prohibited.  
 10-15c Discrimination in public schools prohibited. School attendance by five-year olds.  
 10-153 Discrimination on account of marital status.  
 17a-101 Protection of children from abuse.  
 Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011.  
 Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.  
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.  
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.  
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.  
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).  
 Section 8525, ESEA as amended by the Every Student Succeeds Act.  
 Title II of the Genetic Information Nondiscrimination Act of 2008.

Policy adopted:  
 cps 1/21

*A recommended policy to consider.*

## **Mission – Goals – Objectives**

### **Anti-Racism (Confronting Racism in Schools) (version #2)**

#### **Purpose of Policy**

The purpose of this policy is to eliminate all forms of racism in the \_\_\_\_\_ School District. This policy commits the Board of Education (Board) to the elimination of all forms of racial discrimination in district schools. No student, employee, parent, caregiver or community member should experience racism within the learning or working environment.

***Alternate Language:*** The Board of Education (Board) expects all children to find school a safe and welcoming place, where they are able to achieve success, irrespective of their racial or ethnic background. It is not possible to achieve this if any child or member of the school community face prejudice or hostility because of their ethnic origins. Therefore, the Board believes it is important to have in place an Anti-Racism policy, to clarify its expectations and approach, in order to ensure equality of opportunity for all children.

By having such a policy, the Board gives a clear message to all in the school community that racism will not be tolerated in any form.

***Alternate Language:*** The Board of Education (Board) will not tolerate any intentionally hostile or offensive act by a person of one racial and ethnic origin against a person of another origin, or any incitement to commit such an act in a manner that it interferes with the peace and comfort of the person and that the quality of life of the person is reduced.

The goals of this Anti-Racism policy are:

1. To promote critical thinking regarding the history, contribution, and perspectives of diverse ethnic and social groups.
2. To incorporate classroom content and strategies that enable students to safely explore questions of identity and membership in diverse ethnic and social groups, race equality, and racism, specifically those traditionally excluded from K-12 education.
3. To create engagement opportunities that provide families with a welcoming means of raising any concern about their child's experience as it relates to racial, ethnic, or social identity at school.
4. To remove racial intolerance from District schools and to promote a positive multicultural society.
5. To enable all students to thrive in a socially cohesive community.

## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

#### Policy Scope

This policy applies to all schools, facilities and programs in the District and to all members of the District including, but not limited to, students, staff, volunteers, visitors, teachers and administrators.

Eradicating expressions of racism in learning and working environments and challenging the attitudes that allow them to emerge, is the shared responsibility of all school employees. The entire staff contributes to the eradication of racism by promoting acceptance of our nation's multi-faceted diversity and by challenging prejudiced attitudes and actions. Further, all staff are responsible for monitoring their own behavior to ensure that it does not result in anyone experiencing racism.

#### Definitions

1. **Anti-Racism:** the practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.
2. **Ethnicity:** the social characteristics that people may have in common, such as language, religion, regional background, culture, foods, etc. Ethnicity is revealed by the traditions one follows, such as a person's language.
3. **Individual Racism:** pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.
4. **Institutional Racism:** the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.  
 [It occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often unintentionally produce inequitable outcomes for people of color and advantages for white people.]
5. **White Privilege:** a web of institutional and cultural treatment and exemption from racial and national oppression.
6. **White Supremacy:** the political, economic, and cultural systems in which individuals overwhelmingly control power over material resources, a form of dominance and control, and not just the overt hate of one group towards another.

## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

#### Definitions

7. **Systemic or Structural Racism:** the way in which public policies, institutional practices, cultural representations, and other norms work in various ways to reinforce and perpetuate racial group inequity. It is not something we as individual members of society actively choose to practice, instead it is a feature of the social, economic, and political systems in which we all exist. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

#### Policy Statement

It is the policy of the District to:

1. Affirm the need to provide safe educational spaces of learning for all students.
2. Reject all forms of racism. The Board is committed to the elimination of racial discrimination in schools, including direct and indirect racism, racial vilification and harassment, in all aspects of the learning and working environment.
3. Oppose teachings that perpetuate white supremacy and/or superiority by acknowledging the violence, disenfranchisement and bigotry these topics depict before a lesson begins because doing otherwise would be equivalent to claiming these prejudices never existed and individuals are not harmed by them every day.
4. Commit to a collective responsibility within the District to address, eliminate, and prevent actions, decisions, and outcomes that result from and perpetuate racism.
5. Eliminate inequitable practices that create prejudicial or disparate outcomes for students based on social or cultural factors, such as race, class, ethnicity, religion, or gender.
6. Respect and champion the diversity and varied life experiences of all community members which contribute to the District's goals of inclusivity, equity, and justice.
7. Acknowledge that racism is often compounded by other forms of discrimination.

(cf. 0521 – Nondiscrimination)  
 (cf. 0523 – Equity and Diversity)  
 (cf. 0524 – Hate Crimes and Bias Incidents in Schools)  
 (cf. 4111 – Recruitment and Selection)  
 (cf. 4111.1/4211.1 – Affirmative Action)  
 (cf. 4118.11 – Nondiscrimination)  
 (cf. 4118.113/4218.113 – Harassment)  
 (cf. 4118.3 – District Minority Recruitment Plan)  
 (cf. 4131 – Staff Development)  
 (cf. 5131.911 – Bullying/Safe School Climate Plans)

## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

- (cf. 5144.12 – Restorative Justice Approach to Discipline)
- (cf. 5144.5 – Progressive Discipline and Promoting Positive Social Behavior)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.53 – Transgender and Non-Conforming Youth)
- (cf. 5145.54 – Civility)
- (cf. 6115 – Ceremonies and Observances)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)
- (cf. 6141.21 – Religions in the Public Schools)
- (cf. 6141.22 – Religious Accommodations)
- (cf. 6144 – Teaching about Controversial Issues)

Legal Reference: Connecticut General Statutes  
 46a-60 Discriminatory employment practices prohibited.  
 10-15c Discrimination in public schools prohibited. School attendance by five-year olds.  
 10-153 Discrimination on account of marital status.  
 17a-101 Protection of children from abuse.  
 Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011.  
 Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.  
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.  
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.  
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.  
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).  
 Section 8525, ESEA as amended by the Every Student Succeeds Act.  
 Title II of the Genetic Information Nondiscrimination Act of 2008.

Policy adopted:  
 cps 1/21

*A sample regulation to consider/modify.*

## **Mission – Goals – Objectives**

### **Anti-Racism (Confronting Racism in Schools)**

The purpose of this administrative regulation is to eliminate all forms of racism in the \_\_\_\_\_ School District, as detailed in policy #0525.1.

The following procedures will be implemented throughout the District (See policy for definitions):

1. The following public statement will be posted in all District facilities and on the district and school websites. In all locations it will be posted in a high traffic location, visible to students, staff and visitors.

The public statement shall read:

“\_\_\_\_\_ Schools is committed to establishing and sustaining an equitable community that achieves the District’s equity mission to end the predictive value of race and ensure each individual student’s and staff members’ success. The Board of Education rejects all forms of racism as destructive to its mission, vision, values, and goals.”

#### ***Alternate Statement:***

“The \_\_\_\_\_ School District rejects all forms of racism. Racism in any form will not be tolerated in this school. \_\_\_\_\_ Schools are committed to the mission of increasing cultural respect by cultivating greater understanding of concepts of diversity, inclusion, equity, implicit bias, white privilege, white supremacy, and systemic racism.”

This statement shall also be included in the student handbooks provided to students and families and shall be translated into other languages and be made available for families with limited English proficiency, if and when needed.

2. The District shall establish an organization or committee of students to promote equity and diversity and to serve as leaders and spokespersons within the schools and the District.
3. The District shall proactively seek to recruit and hire diverse faculty and staff to their schools.
4. The District shall develop a systemic approach to assessing and monitoring institutional climate, ensuring that implicit bias and its potential consequences are understood, and that people of diverse backgrounds feel welcomed and respected.



## Mission – Goals – Objectives

### Anti-Racism (Confronting Racism in Schools) (continued)

5. The District shall implement alternative disciplinary processes, such as restorative justice, to reduce racial disparities in discipline and in situations involving suspension and expulsion.
6. When school administrators determine a student has committed a racial act, the student will be provided the opportunity to learn about the impact of their actions on others through such practices as restorative justice, mediation, role play, or other policies or training resources.
7. All curriculum within the District shall:
  - a. reflect cultural and racial diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups of color.
  - b. be examined for racial bias. Where materials reflect racial bias, teachers utilizing the materials will acknowledge the bias and communicate it to students and parents.
8. The District will implement an anti-racist curriculum and provide educational resources for students at every grade level.
9. Categories of racist behavior include, but are not limited to:
  - a. using words or phrases in humor or aggression related to another person's color, ethnicity, or religion;
  - b. physical assault against a person or group because of color, ethnicity or religion;
  - c. racist graffiti;
  - d. provocative behavior, e.g. racist badges or insignia;
  - e. bringing racist materials, such as racist leaflets, into school;
  - f. verbal abuse and threats, including name calling, insults, and racist jokes;
  - g. incitement of others to behave in a racist way;
  - h. racist comments in the course of discussion in lessons;
  - i. ridiculing of an individual or group for cultural differences;
  - j. refusal to cooperate with others because of their ethnic origins;
  - k. posting any racist comments online.
10. No member of the staff should ignore any form of racist behavior anywhere in the school. It should be immediately explained why such behavior is unacceptable.

Regulation approved:

cps 1/21

*The following is provided to assist those boards of education who desire to adopt a resolution pertaining to anti-racism.*

### **School Board Anti-Racism Resolution**

WHEREAS, as schools have the responsibility to equip students with their civil right of obtaining a free and appropriate public education, it is the responsibility of each school to ensure we create a welcoming community for ALL students; and

WHEREAS, it is the responsibility that every district provides to all district staff, including Board of Education members, annual professional development on diversity, equity and inclusion; and

WHEREAS, every district will commit to recruiting and retaining a diverse and culturally responsive teaching workforce; and

WHEREAS, every district will examine their policies for institutional and systemic racialized practices and implement change with sustainable policies that are evidence based; and

WHEREAS, every district will incorporate into their curriculum the history of racial oppression and works by black authors and works from diverse perspectives; and

WHEREAS, we as school district leaders can no longer remain silent to the issues of racism and hate that continue to plague our public and private institutions;

RESOLVED: that [District] and all the school districts in Connecticut must guarantee that racist practices are eradicated, and diversity, equity and inclusion is embedded and practiced for our students, families, faculty and staff.

We must ensure our own school culture and that of every district in the State is anti-racist, that acknowledges that all lives cannot matter until black lives matter.

(Source: Massachusetts School Committees Association)

## Draft Consent Language

Westport Public Schools is working collaboratively with [The Search Institute, Westport Human Services, and Positive Directions](#) \_\_\_\_\_ to support improved educational outcomes for students. In an effort to gain information from students throughout the district, we will be conducting an online survey. The survey focuses on gathering information about [students': social emotional wellness; developmental assets and relationships; drug and alcohol use; stress and coping in response to COVID-19; and efficacy beliefs around racial injustice.](#)\_\_\_\_\_. Individual responses from this survey are anonymous to the district and will remain confidential. The individual responses collected will be aggregated, in other words combined with others, and then analyzed for general trends and outcomes.

[Parents have the](#) ~~we will notify parents and give them the~~ opportunity to inspect the survey prior to its use. [If you would like to review the survey, please contact \[...\]](#)[1]

Your child's participation is voluntary; that means it is your choice [- and your child's choice -](#) whether ~~you~~ ~~not~~ your child participates. If you [or your child](#) decide not to have your child participate, he/she will not be negatively impacted. There are no known risks to participation in the survey beyond those of everyday life.

[\(option 1\) The company/organization conducting the survey will follow the state student data privacy law and has signed this addendum.](#)

[\(option 2\) The company/organization conducting the survey shall not use any student data collected for any purposes other than to conduct the survey and provide deidentified results back to the district.](#)

There are also no direct benefits; however, your child's participation may help the district learn about ways to improve student outcomes.

In the event that you do not want your child to participate in this survey, [please \[reply to this email \(it's only 3 principals it could come from\) or fill out this form \(with link\)\]](#) ~~please email your request to the building principal no later than \_\_\_\_\_.~~

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## Bylaws of the Board

### Consent Agenda

To make more efficient use of meeting time, the Board of Education authorizes the use of a consent agenda as part of its regular meeting agenda. The consent agenda will condense the routine business of the Board (e.g., approving Board minutes, reviewing monthly expenses, approving technical changes to Board policies) into either a single motion or several categorical motions.

- The consent agenda will be prepared by the Superintendent of Schools in consultation with the Chairperson of the Board.

- Items on a consent agenda will not be discussed prior to action. However, if any Board member believes that any item on the consent agenda requires discussion, that Board member may remove the item from the consent agenda merely by requesting same. The exempted item then moves to the regular agenda, and the Board may take action as it deems appropriate. All non-exempted items will be moved, seconded, and voted upon either in one motion or in several categorical motions without discussion.

### Legal References:

Robert's Rules of Order Section 41:32

Bylaw adopted by the Board: \_\_\_\_\_

WESTPORT PUBLIC SCHOOLS

\_\_\_\_\_  
Westport, Connecticut



## Business and Non-Instructional Operations

### Safety

#### Sex Offender Notification

The Board of Education recognizes its responsibility for the health and safety of the students enrolled within the district and for those youngsters receiving services or participating in programs or events of school district property. Therefore, the Board is desirous of taking appropriate precautionary measures in situations where the District has been advised by law enforcement officials that a convicted sex offender resides within the District.

Where school officials are advised that an individual convicted of a sexual offense resides within the school district, the District shall give notice in accordance herewith in order to minimize the possibility that the released and registered sex offender will come into contact with students within the district. In addition, the Board believes that cooperation with local law enforcement officials will best promote and protect the safety and well being of its students.

Whenever information is received from local law enforcement officials pursuant to PA 98-111(CGS 52-102r) that a registered convicted sex offender is residing within the school district, such information may be disseminated after consideration of various factors to the following entities:

- (a) Building Principals;
- (b) Appropriate administrative and teaching staff;
- (c) Security personnel and those monitoring persons visiting on school district property;
- (d) Custodians;
- (e) Athletic coaches;
- (f) Supervisors of school related organizations or programs which regularly meet or are conducted on school district property;
- (g) Bus drivers;
- (h) PTA Presidents (limited information).

The Superintendent may also disseminate such information to such additional individuals or groups of individuals who, in the opinion of the Superintendent have a legitimate need to be notified of such information in order to protect the health, safety or welfare of school district students.

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

Legal Reference: Connecticut General Statutes

Public Act No. 98-111 An Act Concerning the Registration of Sexual Offenders.

United States Code, Title 42

14071 Jacob Wetterling Crimes Against Children and Sexually

Violent Offender Registration Program Act.

Policy adopted: