

**NEW MILFORD BOARD OF EDUCATION**  
**New Milford Public Schools**  
**50 East Street**  
**New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE**  
**MEETING NOTICE**

**DATE:** March 19, 2013  
**TIME:** 6:45 P.M.  
**PLACE:** Lillis Administration Building, Rm. 2

**AGENDA**

**New Milford Public Schools Mission Statement**

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

**1. Call to Order**

**2. Public Comment**

The Board welcomes Public Participation and asks that speakers please limit their comments to three minutes. Speakers may offer objective comments of school operations and programs that concern them. The Board will not permit any expression of personal complaints or defamatory comments about Board of Education personnel and students, nor against any person connected with the New Milford Public School System.

**3. Discussion and Possible Action Items**

**A. Policies Recommended for Revision:**

1. 5114 Removal/Suspension/Expulsion
2. 5141.27 First Aid/Emergency Medical Care
3. 5144 Discipline
4. 5145.111 Students/Probation/Police/Courts
5. 5145.12 Student Search and Seizure
6. 5145.122 Use of Dogs to Search School Property
7. 5145.14 Students On Campus Recruitment
8. 5157 Use of Physical Force and Seclusion
9. 6146 Graduation Requirements

**B. Policy Recommended for Deletion:**

1. 5145 Civil and Legal Rights and Responsibilities

**4. Items of Information**

**A. Regulation Revisions:**

1. 4152.6 Family and Medical Leaves
2. 5157 Use of Physical Force and Seclusions: Procedures

**5. Adjourn**

**Sub-Committee Members:** Vacant, Chairperson  
Mr. David A. Lawson  
Mr. David R. Shaffer  
Mrs. Daniele Shook

**Alternates:** Mr. Daniel W Nichols  
Mr. Tom McSherry

<b>RECOMMENDED FOR REVISION</b>
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*COMMENTARY: Suggested revisions are located in Section III, subsection C, (1, 5 and 8) and page (o), the citation for the Gun Free Schools Act.*

**5114(a)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION I DEFINITIONS**

- A. **“Bullying”** is defined as (A) the repeated use by one or more students of a written, oral or electronic communication directed at or referring to another student in the school district; or (B) a physical act or gesture by one or more students repeatedly directed at another student in the school district that (1) causes physical or emotional harm to such student or damage to the student’s property; (2) places such student in reasonable fear of harm to himself/herself or of damage to his/her property; (3) creates a hostile environment at school for such student; (4) infringes on the rights of such student at school; or (5) substantially disrupts the educational process or the orderly operation of the school. Bullying shall include but not be limited to a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socio-economic status, academic status, physical appearance, or mental, physical developmental or sensory disability or by association with an individual or group who has or is perceived to have one or more of such characteristics.
- B. **“Cyberbullying”** is defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- C. **“Dangerous instrument”** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.
- D. **“Days”** is defined as days when school is in session.
- E. **“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.
- F. **“Emergency”** is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

- G. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- H. **“Expulsion”** is defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- I. **“Firearm”** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- J. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten (10) consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the board of education, as determined by such board. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- K. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- L. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- M. **“Removal”** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.

## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued).

- N. **“School sponsored activity”** is defined as any activity sponsored, recognized or authorized by the board of education and includes activities conducted on or off school property.
- O. **“Suspension”** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Suspensions shall be in-school suspensions unless during the suspension hearing, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.
- P. **“Vehicle”** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

#### SECTION II REMOVAL FROM CLASS

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C below will be cause for suspension and/or expulsion when such conduct:

## Students

### Removal/Suspension/Expulsion

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

1. Violates a publicized policy or code of student conduct in effect in the schools; or
  2. Seriously disrupts the educational process; or
  3. Endangers persons or property
- B. Conduct off school grounds as described in paragraph C below will be cause for suspension and/or expulsion when such conduct:
1. Violates a publicized policy of the Board and
  2. Seriously disrupts the educational process
- C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion:
1. Threatening *or intimidating another member of the school community* in any manner, including orally, in writing, ~~or~~ via electronic communication, *or by gestures or other physical behavior such as stalking.* ~~injury to a member~~ *Members* of the school community, ~~including~~ *include* any *school* teacher, ~~member of the school administration or any other employee, or a fellow student,~~ *consultant, volunteer, or visitor to a school.*
  2. Use of physical force against another person which is not reasonably necessary for self-defense;
  3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
  4. Willfully causing, or attempting to cause, damage to school property;
  5. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, performance enhancing drug, amphetamine, barbiturate, marijuana, cocaine, alcoholic beverage, or intoxicant of any kind including *inhalants*, prescription drugs for which the possessor, user or transmitter has no legal prescription, or drug paraphernalia;
  6. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;



## Students

### Removal/Suspension/Expulsion

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

7. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of any ***weapon, including but not limited to any*** firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument.
9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
10. Possessing or consuming tobacco products if other than a high school student, or consuming such products if a high school student;
11. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
12. Intentional and successful incitement of truancy by other students;
13. Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school.
14. Any violation of the Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individuals' race, color, national origin, sex, age, disability, sexual orientation, gender identity or expression or religion;
15. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
16. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person in charge of such building or facility;

## Students

### Removal/Suspension/Expulsion

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION** (continued)

17. Making false bomb threats or other threats to the safety of students, staff members and/or other persons;
18. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
19. Violation of any other board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment and;
20. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property.

Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm in violation of Connecticut General Statutes §29-35, or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C.1, above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

## Students

### Removal/Suspension/Expulsion

#### SECTION IV SUSPENSION PROCEDURE

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10) days, of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above. Suspensions shall be in-school suspensions unless during the suspension hearing, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the school administration shall notify the Superintendent of schools within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the a member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.



## Students

### Removal/Suspension/Expulsion

#### SECTION IV SUSPENSION PROCEDURE (continued)

- D. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V B. of this policy is first granted.
- E. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in Section V(B) of this policy is first granted.
- F. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
- G. The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

#### SECTION V EXPULSION PROCEDURES

The Board of Education may expel any student for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the superintendent has reason to believe a student has engaged in the conduct described in section III D. The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

vote to expel, except that when only three Board members are presiding at the hearing, a unanimous vote shall be required for expulsion.

- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or board chairperson, as appropriate, but shall include the right to:
1. Notice of the proposed hearing which shall include:
    - a. a statement of the time, place, and nature of the hearing;
    - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
    - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
    - d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished;
    - e. a statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VII on Alternative Educational Opportunity);
    - f. information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
  2. The opportunity to be heard;

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

3. The opportunity to present witnesses and introduce documentary evidence;
  4. The opportunity to cross-examine adverse witnesses and challenge the introduction of documentary evidence;
  5. The opportunity to be represented by counsel; and
  6. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
  2. Questions and offers of proof, objections and rulings on such objections;
  3. The decision of the Board of Education rendered after such hearing; and
  4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.
- D. Rules of evidence at expulsion hearings shall include the following:
1. Any oral or documentary evidence may be received by the Board of Education, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  2. The Board of Education shall give effect to the rules of privilege recognized by law;
  3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
  6. The Board of Education may take notice of judicially cognizable facts in addition to facts within the board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
  7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made. A transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
- F. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G. Except as provided for in Section VII, any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law.
- H. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.
- I. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the board of education shall complete the expulsion hearing and render a decision.



## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- J. The Board of Education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the Board. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the Board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the Board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.
- K. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the board of education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.
- L. In addition to such rights specified in Section J, above, an expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
- M. A student requiring special education and related services as described in Connecticut General Statutes §10-76a(5)(A) shall not be referred to an expulsion hearing until a planning and placement team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to children who do not require special education and



## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES (continued)**

related services. Notwithstanding the provisions of Section VII, below, whenever a student requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

- N. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled using the procedures of this policy. The period of expulsion shall run concurrent with the period of commitment. If a student who committed an expellable offense seeks to return to the school district after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and the student has not been expelled for such offense, the district shall allow such student to return and may not expel the student for additional time for such offense.
- O. A student who has been identified as eligible for school accommodations pursuant to Section 504 of the Rehabilitation Act, shall not be referred to an expulsion hearing until the student's Section 504 Team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. Where appropriate, the Section 504 Team shall modify and otherwise review the student's accommodations plan to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

#### **SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN**

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within twenty-four (24) hours of the time the student was excluded.

#### **SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY**

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any

## Students

### Removal/Suspension/Expulsion

#### SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY (continued)

expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

State statutes do not require the Board of Education to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278.

If the Board expels a student for the sale or distribution of such a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm or deadly weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board's action in so referring the student, to the commissioner of education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

## Students

### Removal/Suspension/Expulsion

#### SECTION VIII GUN FREE SCHOOLS ACT

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, ~~20 U.S.C. §8924~~ **20 U.S.C. §7151**, *et seq.*

Legal references: ~~20 U.S.C. §8924~~ **20 U.S.C. §7151**, *et seq.*, Gun Free Schools Act  
20 U.S.C. §1415 Individuals with Disabilities Education Act

#### Connecticut General Statutes

4-176e	through 4-180a, 4-181a	Administrative Procedures Act
10-76a		Definitions
10-76d		Duties and powers of boards of education to provide special education programs and services
10-233a		Definitions
10-233b		Removal of pupils from class
10-233c		Suspension of pupils
10-233d		Expulsion of pupils
10-233e		Notice as to disciplinary policies and action
10-233f		In-school suspension of pupils. Reassignment
10-233g		Reports of principals to police authority concerning physical assaults upon school employees by students
10-233h		Arrested students
21a-240		Definitions
21a-277		Penalty for illegal manufacture, distribution, sale, prescription, dispensing
21a-278		Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy revised: June 12, 2007  
Policy revised: November 13, 2007  
Policy revised: November 18, 2008  
Policy revised: December 14, 2010  
Policy revised: October 11, 2011

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

## RECOMMENDED FOR REVISION

*Commentary: Suggested revision clarifies what is not a school sponsored event for AED purposes.*

**5141.27(a)**

### **Students**

#### **First Aid/Emergency Medical Care**

##### **Illness**

##### **Use of Automatic External Defibrillators (AEDs)**

In order to assist individuals who may experience cardiac arrest on school property, the New Milford Board of Education has acquired external defibrillators for use in school buildings. It is the policy of the New Milford Board of Education to support the use of these automatic external defibrillators (AED) by school personnel trained in the operation of such AED and the use of cardiopulmonary resuscitation. Such trained personnel and AEDs shall be accessible during the school's normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds and during school sponsored events not occurring during the normal operational hours of the school. The word "events," as used in this policy means school sponsored performances, competitions, assemblies and other large gatherings where members of the public are invited to attend. ***The word "events" does not include activities that take place at school but are sponsored by a PTO or other independently operated organization.*** The District's continued use of AEDs and training of personnel is subject to available federal, state or private funding.

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

An Automatic External Defibrillator (AED) is a device that: (A) is used to administer an electric shock through the chest wall to the heart; (B) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiological signals, make medical diagnosis, and, if necessary, apply therapy; (C) guides the user through the process of using the device by audible or visual prompts; and (D) does not require the user to employ any discretion or judgment in its use.

Only personnel who are CPR and AED certified in accordance with the standards set forth by the American Red Cross or American Heart Association and has a copy of his/her current certification on record with the school system shall be authorized to use AEDs maintained by the school system. Such personnel who use an external defibrillator to provide emergency treatment do so voluntarily, and are afforded the protection from liability provided under C.G.S. § 52-557b ("Good Samaritan law").

## **Students**

### **First Aid/Emergency Medical Care**

This policy and accompanying regulations shall be disseminated to personnel authorized to use AEDs upon hiring and, at the discretion of the school administration, periodically thereafter. Personnel authorized the use AEDs acquired by the school system shall acknowledge receipt of

school policy and accompanying regulations and shall be responsible for adhering to such policy and regulations. Certifications (and recertifications) of CPR and AED training shall be kept current and copies of such certifications shall be provided to school administration and retained in school administration files.

The Superintendent or his/her designee shall be responsible for developing administrative regulations in furtherance of the Automatic External Defibrillator (AED) policy, in conformity with the provisions of applicable statutes and regulations.

Legal Reference:      Connecticut General Statutes  
                                 10-212d Availability of automatic external defibrillators in schools.  
                                 Emergency action response plans for life-threatening emergencies  
                                 10-221 Boards of education to prescribe rules.  
                                 19a-175 Definitions  
                                 52-557b "Good Samaritan law."

Policy adopted:      May 9, 2006  
Policy reviewed:     June 12, 2007  
Policy revised:      October 13, 2009  
Policy revised:      December 14, 2010

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



<b>RECOMMENDED FOR REVISION</b>
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*Commentary: Suggested deletions to the last section of this policy are intended to prevent any potential inconsistency with Board Policy 5114, which is the Board's definitive statement on discipline with regard to suspension and expulsion.*

**5144(a)**

## **Students**

### **Discipline**

The policy of the New Milford Board of Education is to maintain an orderly environment in which teaching and learning can take place, to encourage students to respect the need for authority reasonably exercised and accept responsibility for their own actions, and to help them develop self-discipline consistent with the needs and expectations of the educational system and the society at large.

#### **Student Behavior**

Appropriate behavior is expected from all students at all times. The Board realizes that appropriate behavior is not always automatic or easy. Often mistakes are made as students learn to be responsible for their own actions. Therefore, it is expected that each Principal and each teacher will have guidelines that will maintain discipline without inhibiting growth. The guidelines should be consistent with this policy while allowing for individual application reflecting the differences among administrators, teachers, students, grade levels, and circumstances.

#### **Self Discipline**

The ultimate goal of school discipline should be to help students develop self-discipline, a capacity for personal restraint in view of the needs and rights of themselves and others that will guide them throughout life. Students should learn the meaning and value of deferred rewards.

#### **Preventive Discipline**

The Board of Education believes that when certain conditions exist in a school many discipline problems will be prevented. These conditions, which each school should attempt to establish as part of a preventive discipline program, include:

1. A consistent application of reasonable rules and procedures beginning in the primary grades.
2. Adequate instruction at appropriate levels by competent teachers who are well-prepared in their subject matter areas.
3. Varied instructional and activity programs.
4. Sincere attempts to communicate with the home.
5. Genuine concern by the staff for individual student problems and growth.
6. Student involvement as appropriate in formulating rules and behavior standards.

## Students

### Discipline

#### Preventive Discipline (continued)

Discipline should be a cooperative effort between home and school. It must begin at home and be reinforced in the schools. School discipline must be supported by parents. To secure maximum cooperation and support, the schools should inform parents about school discipline policies and about their child's behavior, and consult them promptly in the event of serious and/or persistent disciplinary problems.

#### Corrective Discipline

When student behavior disrupts the learning environment, infringes on the rights of others, or endangers the student or other individuals, the educational system cannot achieve its purpose. Teachers and administrators may employ appropriate disciplinary measures as needed to control and correct inappropriate behavior. The measures should be consistent with this policy and appropriate to the student's age and the nature and seriousness of the behavior.

The Board of Education does not consider mass punishment or corporal punishment acceptable disciplinary measures. The Board does recognize that it may occasionally be necessary for a staff member to restrain a student or to use force to break up physical conflicts.

When serious and/or persistent disciplinary problems occur, every effort should be made to resolve them through conferences with the student and the parents with the assistance of administrators and student personnel services. Although it may sometimes be necessary to temporarily remove a student from regular classes to help resolve personal problems that are causing misbehavior, the objective should be to help the learner to function constructively and responsibly in the normal school environment.

~~It is the position of the Board of Education that where space, staff and other considerations allow, an in-school suspension system should be implemented and used whenever possible as an alternative to out-of-school suspension.~~

- (cf. 51141 - Suspension/Expulsion/Due Process)
- (cf. 5131.21 - Violent and Aggressive Behavior)
- (cf. 5131.6 - Drugs and Alcohol/Tobacco)
- (cf. 5131.61 - Inhalant Abuse)
- (cf. 5131.7 - Weapons and Dangerous Instruments)
- (cf. 5131.8 - Out of School Misconduct)
- (cf. 5131.92 - Corporal Punishment)
- (cf. 5133 - Behavior of Participants in Athletic Events)
- (cf. 5144.3 - Discipline of Students with Disabilities)

## **Students**

### **Discipline**

**Legal Reference:**

Connecticut General Statutes

4-177 through 4-180. Contested Cases. Notice. Record.

10-233a through 10-233i Suspension, removal and expulsion of students.

21a-240(9) Definitions.

53a-3 Definitions.

18 U.S.C. 921. Definitions.

20 U.S.C. §1415

20 U.S.C. 8921

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<b>RECOMMENDED FOR REVISION</b>
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*Commentary: Suggested revision in the second paragraph is consistent with the requirements of Conn. Gen. Stat. Section 10-233h.*

**5145.111(a)**

## **Students**

### **Students/Probation/Police/Courts**

**Notification to Superintendent when Student Arrested for Felony.** Police who arrest, at any time during the year, an enrolled district student, ages seven to twenty, for a Class A misdemeanor, felony, or for selling, carrying or brandishing a facsimile firearm, are required by C.G.S. 10-233h, as amended by Public Act 94-221, Public Act 95-304, and Public Act 97-149, to notify orally the Superintendent of Schools by the end of the next weekday following the arrest, the identity of the student and the offense or offenses for which the student was arrested and follow up in writing, including a brief description of the incident, not later than seventy-two hours of the arrest.

The Superintendent shall maintain this information as confidential in accordance with C.G.S. 10-233h and in a secure location and disclosed, during the school year, only to the Principal of the school in which such person is a student or to the Principal or supervisory agent of any other school in which the Superintendent knows such person is a student. The Principal may disclose the information only to special services staff or a consultant (such as a psychiatrist, psychologist, or social worker) for the purpose of assessing the danger posed by such person to himself, other students, school employees, or school property and effectuating an appropriate modification of such person's educational plan or placement, and for disciplinary purposes. *If the arrest occurred during the school year, such assessment shall be completed not later than the end of the next school day.*

Police may testify and provide information related to an arrest at an expulsion hearing if such testimony is requested by the Board of Education or an impartial board conducting the hearing, or by the school Principal or student or his/her parent. Such testimony must be kept confidential in conformity with applicable state statutes.

**Attendance of Students Placed on Probation by a Court.** Before allowing a student placed on probation to return to school, the Connecticut court will request from the Superintendent of Schools information on the attendance, adjustment, and behavior of the student along with the Superintendent's recommendation for conditions of sentencing or disposition of the case.

**School Officials and Probation Investigations.** If requested by the court prior to disposition of a case, the Superintendent of Schools, or designee, shall provide information on a student's attendance, adjustment, and behavior, and any recommendations regarding the proposed conditions of probation included in the probation officer's investigation report.

**School Attendance as a Condition of Probation.** Under Section 46b-140, a court may include regular school attendance and compliance with school policies on student conduct and discipline as a condition of probation.

## Students

### Students/Probation/Police/Courts

**Information to Superintendents on a Student Adjudged to be a Delinquent as a Result of Felony.** Under C.G. S. 46b-124, courts may release the identity of a student adjudged a delinquent as a result of felony to the Superintendent of Schools.

**Information to Superintendents on a Student Adjudged to be a Youthful Offender.** Under C.G.S. Section 54-761, courts may release the identity of a student adjudged a youthful offender to the Superintendent of Schools.

(cf. 1411 Law Enforcement Agencies)

(cf. 5145.11 Police in Schools)

(cf. 5114 Suspension/Expulsion)

Legal Reference: Connecticut General Statutes

46b-121 "Juvenile matter" defined Authority of court. Fee.

46b-124 Confidentiality of records of juvenile matters. Exceptions.

46b-134 Investigation by probation officer prior to disposition of delinquency case.  
Physical mental and diagnostic examination

46b-140 Disposition upon conviction of child as delinquent.

53-206c Sale, carrying and brandishing of facsimile firearms prohibited. Class B misdemeanor.

54-761 Records confidential. Exceptions.

10-233a through 10-233g re student suspension, expulsion... Public Act 94-221  
Public Act 95-304

10-233h Arrested students. Reports by police to superintendent, disclosure, confidentiality.

***10-233i Students placed on probation by a court***

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



<b>RECOMMENDED FOR REVISION</b>
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*Commentary: Suggested additions to this policy clarify aspects of student searches.*

**5145.12(a)**

## **Students**

### **Student Search and Seizure ~~Interrogations, Searches and Arrests~~**

The school administration is authorized to search any student locker or desk, and any student automobile located on school premises, for weapons, contraband or the fruits of a crime when there are reasonable grounds for suspecting that the search will produce evidence that the student has violated the law or school rules.

#### **No Expectation of Privacy in Use of School Property**

*Desks, lockers and other such property owned by the Board of Education are provided for use by students solely to support the educational experience. Although students are given use of these items, the Board retains access and control of all school property and may inspect the interior condition of desks and lockers for proper maintenance, health, safety and other administrative purposes. Inspections of school property may be accomplished with or without advance notice to students. Students should have no expectation of privacy in the use of desks, lockers and other similar school property. School officials may not use periodic inspections of school property as a pretense to search an individual student's locker or desk*

#### **When and How School Officials May Conduct Searches**

The school administration also is authorized to search a student's person where there exist reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating the law or school rules. The search of a student's person includes a search of a student's clothing and personal effects. Under no circumstances shall school district personnel conduct a "strip" search of a student. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing and the student refuses to deliver such evidence, the assistance of the police shall be obtained.

Any search of a student's desk or locker or of a student's person shall be reasonably related in scope to the circumstances that justified the search in the first place. The scope of the search is reasonable when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. A search of a student's person shall be conducted by a person of the same sex as the student and in the presence of a witness of the same sex of the student.

1. Only the Principal or designee shall be responsible for determining whether or not a search shall be conducted of a student's person or personal property.

The Principal should consider involving the appropriate law enforcement officials.

2. When deemed appropriate, the Principal should consider the proper involvement of the lawful custodian of the student.

## Students

### ***Student Search and Seizure ~~Interrogations, Searches and Arrests~~***

#### ***When and How School Officials May Conduct Searches*** (continued)

3. A second staff member shall be present during a search of either a student or a student's personal property.
4. The seizure or confiscation of items located in property in a student's immediate possession and/or on a student's person shall be accomplished in the following manner:
  - a. The seizure shall be witnessed by the student and a second staff member.
  - b. The search shall be conducted as discreetly as possible and in private.
  - c. Each and every item seized must be identified and not commingled with other items previously or subsequently seized.
  - d. The Principal shall prepare a summary report identifying the item(s) confiscated. The report should include the facts upon which reasonable suspicion was based, where the search occurred, the reason for the seizure, who was present, time, and the disposition of item(s).
  - e. A copy of the summary report shall be given to the student and/or lawful custodian(s) of the student.

#### ***Vehicle Searches on School Grounds***

***Vehicles brought on school grounds by students are subject to the same criteria for searches as students' personal belongings. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination of the privilege of bringing a motor vehicle onto school premises.***

#### ***Seizure of Property Belonging to Student***

***School personnel may temporarily take control of property belonging to a student (including items such as a cell phone or other electronic device) when the student's use or possession of such property violates school rules or is otherwise disruptive of the educational process. Items taken from students should be made available for return to the student or the student's parent or legal guardian as soon as feasible or upon the conclusion of disciplinary proceedings associated with the item(s). Any illegal substance, weapon, item that may not be legally possessed by a student or other "fruit of a crime" that is confiscated from a student or discovered in an inspection of school property or search may be turned over to law enforcement officials.***

## Students

### ***Student Search and Seizure*** ~~Interrogations, Searches and Arrests~~

#### Notice

Students shall be notified annually of this policy by publication in student handbooks and in any other manner that the Superintendent of Schools may deem effective.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

54-33n, Search of School Lockers and Property

Case Law

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

**Safford Unified Sch. Dist. # 1 v. Redding, 129 S. Ct. 2633 (2009)**

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<b>RECOMMENDED FOR REVISION</b>
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COMMENTARY: Suggested revision to first paragraph.

**5145.122(a)**

## **Students**

### **Search and Seizure**

#### **Use of Dogs to Search School Property**

~~The Board supports the elimination of the possession or use of illegal substances/devices. The Board wants to convey a strong message to the community, faculty, staff, and student body concerning the use or possession of illegal substances.~~

*The Board of Education considers the possession or use of illegal drugs and other illicit substances on school grounds or at school-sponsored activities to be highly detrimental to the learning process as well as the health and safety of students and staff. As part of its commitment to eliminate the presence of illegal drugs and other contraband from its schools, the Board of Education has authorized the school administration to use trained dogs to conduct searches on school property.*

*Students, parents, and visitors are advised that desks, lockers and other such property owned by the Board of Education are provided for use by students solely to support the educational experience. Students should have no expectation of privacy in the use of desks, lockers and other similar school property. Furthermore, all lockers, desks and other storage places on school property as well as vehicles parked on school property are subject to search by school officials whenever there are reasonable grounds to believe that a search would produce evidence of illegal activity or a violation of Board policy or school rules.*

The Board shall permit the administration to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained for the purpose of detecting the presence of illegal substances, when necessary to protect the health and safety of students, employees or property and to detect the presence of illegal substances or contraband, including alcohol and/or drugs. The use of trained canine sniffing dogs is subject to the following:

1. The administration shall authorize the search and the Principal or his/her designee shall be present while the search is taking place.
2. Parents and students shall be notified of this policy through its inclusion in the student and/or parent handbook.
3. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
  - a. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
  - b. When used for demonstration purposes, the dog may not sniff the person or any individual.

## Students

### Search and Seizure

#### Use of Dogs to Search School Property (continued)

4. Individual(s) shall not be subjected to a search by dogs.
5. Once notification has been given to parents and students, through the inclusion of the policies in the student and/or parent handbook, the school district will have met its obligation to advertise the searches. Additional notices need not be given and actual times or dates of planned searches need not be released in advance.
6. Only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place or responsibility for it shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought it onto district property shall be asked to unlock it for inspection.
7. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible for illegal substances(s) on school property.

(cf. - 5145.12 Search and Seizure)

Legal Reference: Connecticut General Statutes  
10-221 Boards of education to prescribe rules,  
*New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1985)  
Conn. Gen. Stat. § 54-33n, Search of School Lockers and Property

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy reviewed: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



<b>RECOMMENDED FOR REVISION</b>
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*Commentary: Suggested revisions include paragraph titles and one substantive addition regarding the release of personal information to recruiters.*

**5145.14(a)**

## **Students**

### **Students—On Campus Recruitment**

#### **Military Recruiters**

The high schools of the school district shall provide the same directory information and on-campus recruiting opportunities to representatives of the armed forces of the United States of America and state armed services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

#### **Regional and Inter-district Specialized Schools**

The Board shall also provide full access for the recruitment of students by regional vocational technical schools, regional vocational agricultural centers, inter-district magnet schools, trade schools, charter schools, and inter-district student attendance programs.

#### **Release of Student's Personal Information to Recruiters**

*Upon a request made by military recruiters or an institution of higher education, the school district will provide access to secondary school students names, addresses, and telephone listings.* A parent of a secondary school student or the student himself or herself if he or she has reached the age of majority ["eligible student"] may request at any time that the student's name, address, and telephone listing not be released to military recruiters without the prior written consent of the parent or the eligible student. The Superintendent of Schools or his/her designee will notify parents and eligible students annually of their right to file such a request.

#### **On-Campus Recruiting Activities**

The school administration may determine when recruitment meetings will take place and reserves the right to deny a request to schedule such meetings at a time that will materially and substantially interfere with the proper and orderly operation of the school.

Any person denied the rights accorded under this policy may request in writing that the Superintendent of Schools review the school administration's decision. The Superintendent shall consider the request and conduct an appropriate investigation; the Superintendent may meet with the person requesting the review and the school administrator involved in the decision. After investigation, the Superintendent may reconsider the denial if in his/her judgment the holding of the meeting would not materially and substantially interfere with the proper and orderly operation of the school.

A person adversely affected by the decision of the Superintendent of Schools may request review of the decision by the Board of Education by filing a written request for such review with the Chairman of the Board of Education.

## **Students**

### **Students—On Campus Recruitment**

Legal Reference: Connecticut General Statutes § 10-221b

Connecticut General Statutes § 10-220d

20 U.S.C. §1232g(a)(5)(B), Family Educational Rights and Privacy Act

20 U.S.C. §7908, Armed Forces Recruiter Access To Students  
and Student Recruitment

10 U.S.C.A. §503 Enlistments: Recruiting Campaigns, Compilation of  
Directory Information

Policy adopted: June 12, 2001  
Policy revised: June 10, 2003  
Policy revised: June 24, 2004  
Policy reviewed: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<b>RECOMMENDED FOR REVISION</b>
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*Commentary: Suggested additions comport with the requirements of state law, some of the revisions are to improve the organization of the policy.*

**5157(a)**

## **Students**

### **Use of Physical Force and Seclusion**

#### **Physical Restraint(s)**

The Board of Education believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, the Board recognizes that there are times when it becomes necessary for staff to use restraint to provide a safe environment for students.

**Physical restraint** is defined as any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan or individualized education program and is the least restrictive means available to prevent such self injury.

**Seclusion** is defined as the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving. The term **does not** include confinement in which the student is physically able to leave the area of confinement including, but not limited to in-school suspension and time-out.

#### **Restraint and Seclusion of "Persons at Risk"**

***"Persons at risk" include students who meet eligibility criteria for special education services under the Individuals with Disabilities Education Act (IDEA) and who receive special education from the Board of Education or are being evaluated for eligibility for special education pursuant to statute and awaiting determination. Students who are persons at risk may not be physically restrained or placed in seclusion except as specified in the administrative regulations of this policy.***

#### **Use of Reasonable Physical Force**

***In addition to the special procedures regarding restraint of students who are persons at risk, nothing in this policy or the administrative regulations implementing this policy shall be interpreted to supersede the use of reasonable physical force by staff upon any student under the following circumstances:***

## Students

### Use of Physical Force and Seclusion

#### Use of Reasonable Physical Force (continued)

- A. *Protect himself/herself or others from immediate physical injury.*
- B. *Obtain possession of a dangerous instrument or controlled substance, upon or within the control of such student.*
- C. *Protect property from physical damage.*
- D. *Restrain such minor or remove such minor to another area, to maintain order.*

*Corporal punishment is strictly prohibited.*

#### Training of School Personnel in the Use of Physical Restraint and Seclusion

*Only school personnel who have received training in physical management, physical restraint and seclusion procedures may restrain or seclude a student who is a person at risk. Such training shall include, but not be limited to: verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between life-threatening physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques; monitoring to prevent harm to a person physically restrained or in seclusion and recording or reporting procedures on the use of restraints and seclusion.*

#### Administrative Regulations

*The Superintendent of Schools shall develop and implement administrative regulations establishing the procedures for the use of physical restraint and seclusion upon persons at risk.*

~~With the exception of Special Education students, restraint or any physical force may only be utilized by staff members on students under the following circumstances:~~

- ~~1. — Protect himself/herself or others from immediate physical injury.~~
- ~~2. — Obtain possession of a dangerous instrument or controlled substance, upon or within the control of such student.~~
- ~~3. — Protect property from physical damage.~~
- ~~4. — Restrain such minor or remove such minor to another area, to maintain order.~~

#### ~~Corporal Punishment is Strictly Prohibited~~

~~In the case of students identified as eligible for Special Education services or who are in the process of referral for consideration of such eligibility, physical restraint may not be utilized except as specified in Procedures on the Use of Physical Restraint of Persons at Risk.~~

## Students

### Use of Physical Force and Seclusion

~~Seclusion is defined as the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving. In the case of students identified as eligible for Special Education services or who are in the process of being evaluated to determine such eligibility, seclusion may not be utilized except as specified in Procedures on the Use of Seclusion of Persons at Risk.~~

Legal References: Connecticut General Statutes: ~~46a-150 through 46a-153; 53a-18~~

————— ~~Public Act No. 07-147~~

*10-76d Duties and powers of boards of education to provide special education programs and services*

*10-220 Duties of boards of education*

*46a-150 through 46a-154 Use of restraint and seclusion*

*53a-18 Use of reasonable physical force*

*Regulations Connecticut State Agencies §10-76b-1 to 11*



## RECOMMENDED FOR REVISION

COMMENTARY: Suggested revisions are to number of credits and graduation requirements.

**6146(a)**

### Instruction

#### Graduation Requirements

To graduate from the New Milford Public Schools, a student must earn a minimum number of ~~22.5~~ credits, fulfill credit distribution requirements and meet district performance standards.

##### **I. Academic credit distribution requirements**

A. Students must complete the following credits:

~~4~~ — English  
~~3~~ — Mathematics  
~~3~~ — Social Studies (including a V2 credit in civics and I credit for U.S. government)  
~~3~~ — Science  
~~1~~ — Physical Education  
~~1~~ — Arts (Fine or Practical)  
~~½~~ — Health  
~~7~~ — Electives  
~~22.5~~ — TOTAL CREDITS

<b><i>Year of Graduation 2013, 2014</i></b>	<b><i>4.0 English</i></b> <b><i>3.0 Mathematics</i></b> <b><i>3.0 Social Studies (including a V2 credit in civics and I credit for U.S. government)</i></b> <b><i>3.0 Science</i></b> <b><i>1.0 Physical Education</i></b> <b><i>1.0 Arts (Fine or Practical)</i></b> <b><i>0.5 Health</i></b> <b><i>7.0 Electives</i></b> <hr style="width: 10%; margin-left: 0;"/> <b><i>22.5 TOTAL CREDITS</i></b>
<b><i>Year of Graduation 2015</i></b>	<b><i>4.0 English</i></b> <b><i>3.0 Mathematics</i></b> <b><i>3.0 Social Studies (including a V2 credit in civics and I credit for U.S. government)</i></b> <b><i>3.0 Science</i></b> <b><i>2.0 Physical Education</i></b> <b><i>1.0 Arts (Fine or Practical)</i></b> <b><i>0.5 Health</i></b> <b><i>7.0 Electives</i></b> <hr style="width: 10%; margin-left: 0;"/> <b><i>23.5 TOTAL CREDITS</i></b>

## Instruction

### Graduation Requirements

<b>Year of Graduation 2016</b>	<b>4.0 English</b> <b>3.0 Mathematics</b> <b>3.0 Social Studies (including a V2 credit in civics and I credit for U.S. government)</b> <b>3.0 Science</b> <b>2.0 Physical Education</b> <b>1.0 Arts (Fine or Practical)</b> <b>0.5 Health</b> <b>7.0 Electives</b> <b>1.0 Capstone Project</b> <hr/> <b>24.5 TOTAL CREDITS</b>
<b>Year of Graduation 2017</b>	<b>4.0 English</b> <b>4.0 Mathematics</b> <b>3.0 Social Studies (including a V2 credit in civics and I credit for U.S. government)</b> <b>3.0 Science</b> <b>2.0 Physical Education</b> <b>1.0 Arts (Fine or Practical)</b> <b>0.5 Health</b> <b>7.5 Electives (0.5 Must be in humanities)</b> <b>1.0 Capstone Project</b> <hr/> <b>26.0 TOTAL CREDITS</b>

- B. A credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year unless such credit is earned at an institution accredited by the Department of Higher Education or regionally accredited.

#### **C. Capstone Project**

*The Capstone Project challenges students to demonstrate and display their mastery of many of the skills they have acquired during their years in the New Milford Public Schools. One of the goals of the Capstone Project is to allow students to take control and have a powerful voice in their own education and development both as learners and individuals.*

*The Capstone Project is a graduation requirement. In the event a student does not successfully complete this project, they will be allowed to do so after the class graduates and receive their diploma upon completion of the Capstone Project.*

## Instruction

### Graduation Requirements

#### II. District's performance standards

These performance standards identify the basic skills that students are expected to achieve in order to graduate. A New Milford High School graduate must complete all academic requirements and demonstrate basic skills in Reading & Writing, Quantitative Thinking (Math & Science) and Information Literacy. The Superintendent of Schools or designee shall develop administrative regulations regarding performance standards for each basic skill, including the method(s) of assessing a student's level of competency in such skills. The assessment criteria must include, but not be based exclusively on, the results of the 10<sup>th</sup>-grade *state or national high school* state-wide mastery examination.

#### III. Options if graduation requirements are not met

The Board of Education is dedicated to providing students who may have difficulty fulfilling these requirements with different options and multiple opportunities to meet the academic and performance standards for graduation.

Those students who have not successfully completed the assessment criteria ~~for graduation (a score of 3 or better on the Reading, Writing, Math, and Science portions of the CAPT in the 10<sup>th</sup> grade year) must retake only those portions of the CAPT in which the student is deficient in 11<sup>th</sup> grade. Seniors who have not attained a score of 3 or better on the CAPT~~ will be afforded alternative means of meeting this criteria. The following is not an inclusive list:

- Pass 0.5 credit of English 4
- Completion of a research project, approved in advance by the Science Department, that involves data collection, and is graded according to an established rubric
- Pass Departmental Exam covering the topics of arithmetic, algebra, geometry and statistics
- Pass 0.5 credit of Practical Math and/or Consumer Math
- English Writing SAT I of 450 or better
- Math Reasoning SAT I of 450 or better
- Math SAT II Math Level 1C of 450 or better

Seniors who are not eligible for graduation with their class due to a failure to meet the district graduation requirements in one or more subjects may select one of the following options:

1. Successful completion of a summer course or summer courses comparable (as determined by the Principal) to the subject(s) in which the student was deficient
2. Enroll in an on-line course in accordance with Policy 6172.6 (Virtual/On-line Courses/College/University Courses)
3. Make arrangement for re-testing to meet performance standards
4. Return to school in September as a fifth year senior

## Instruction

### Graduation Requirements

#### IV. Exemptions, modifications, and accommodations

- A. If a physician *or advanced practice registered nurse* certifies in writing that the physical education requirement is medically contraindicated because of the physical condition of the student, this requirement may be fulfilled by an elective.
- B. Exemptions; modifications and accommodations of graduation requirements will be made for any student with a disability as determined by the planning and placement team or 504 team.
- C. Only credits for courses taken in grades nine through twelve shall satisfy graduation requirements except that the Superintendent of Schools or designee may grant credit for certain courses identified in subsection (e) of Section 10-221a of the Connecticut General Statutes.
- D. The Board may permit a student to graduate during a period of expulsion pursuant to Connecticut General Statutes 10-233d if the Board determines that the student has satisfactorily completed the necessary credits for graduation.
- E. The Board of Education may award a high school diploma to a veteran of World War II or the Korean hostilities who left high school to serve in the armed forces and did not receive a diploma as a consequence of such service.

### Early Graduation

Students may finish in seven semesters provided all graduation requirements have been satisfied. Any student interested in being considered for early graduation must notify his/her counselor of his/her intentions by May 1 of the junior year. Students applying for early graduation must obtain the **Early Graduation Policy** statement and related application form from the Guidance Office and take course no. 990.

Course No.	Course	Prerequisites
990	Early Graduation	By Special Arrangement Only

(cf. 5121 - Examination/Grading/Rating)  
 (cf. 5123 - Promotion/Acceleration/Retention)  
 (cf. 6111 - School Calendar)  
 (cf. 6145.6 - Travel and Exchange Programs)  
 (cf. 6142.2 – Statewide Proficiency/Mastery Examinations)

## **Instruction**

### **Graduation Requirements**

Legal reference:	Connecticut General Statutes
10-14n	State-wide mastery examination
10-161	Establishment of graduation date
10-18	Courses in United States history, government and duties and responsibilities of citizenship
10-19	Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome
10-221a	High school graduation requirements
10-223a	Promotion and graduation policies. Basic skills necessary for graduation, assessment process

Policy adopted: June 10, 2003  
Policy revised: June 27, 2005  
Policy revised: June 8, 2010  
Policy Revised: October 11, 2011

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



## RECOMMENDED FOR DELETION

*Commentary: This policy may be deleted, as its content is thoroughly covered in Board Policies 5000 and 5145.5.*

**5145**

### **Students**

#### **Civil and Legal Rights and Responsibilities**

~~It is the policy of the Board of Education to provide a free and appropriate public education to each disabled student within its jurisdiction, regardless of the nature or severity of the handicap.~~

~~It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be handicapped under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act ["IDEA"].~~

~~Moreover, the Board of Education does not discriminate in the admission or access to, or treatment or employment in, any of its programs and activities.~~

~~Due process rights of handicapped students and their parents under Section 504 will be enforced. The Superintendent of Schools shall ensure that a grievance procedure shall be easily accessible to all students within the New Milford Public Schools, either through its replication within student/parent handbooks or by other methods that are reasonably designed to make it readily available for students and/or parents to review.~~

~~The Assistant Superintendent is the Coordinator of Section 504 activities.~~

Legal Reference: \_\_\_\_\_ Connecticut General Statutes

\_\_\_\_\_ 10-15c Discrimination in public schools prohibited.

\_\_\_\_\_ United States Code

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

\_\_\_\_\_ Code of Federal Regulations

\_\_\_\_\_ 34 C.F.R. §104.36

Policy adopted: \_\_\_\_\_ June 12, 2001 \_\_\_\_\_ NEW MILFORD PUBLIC SCHOOLS

Policy revised: \_\_\_\_\_ June 12, 2007 \_\_\_\_\_ New Milford, Connecticut

## ITEM OF INFORMATION REGULATION REVISION

*Commentary: Changes are due to recent changes in the law and federal regulation regarding military leave. Changes are highlighted in gray in the sections regarding basic entitlement, military leave and record keeping (forms).*

**4152.6(a)**

**4252.6(a)**

### PERSONNEL CERTIFIED/NON-CERTIFIED

#### Family and Medical Leaves

Family and Medical leave is regulated by the federal Family and Medical Leave Act of 1993, as amended (FMLA). The following administrative regulations and the corresponding Board policy will be interpreted to comply with that law, as well as the Connecticut Fair Employment Practices Act (CFEPA) with respect to pregnancy-related disability leave and transfer. Employees should contact the Superintendent of Schools, New Milford Board of Education, 50 East Street, New Milford, CT if they have any questions regarding how these regulations apply to their situation, when and how they may take leave, or any other question regarding FMLA leave.

**The Basic Entitlement** An eligible employee is entitled to unpaid leave:

- Upon the birth of the employee's son or daughter, or to care for an employee's newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
- Because of a serious health condition that makes the employee unable to perform his or her job;
- In connection with a "qualifying exigency" (such as making legal, financial and child care arrangements and taking care of other family obligations) involving the employee's spouse, son, daughter or parent's ***who is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).*** ~~foreign deployment or call (or impending call) to active military duty; or~~
- To care for a covered service member who (1) is the employee's spouse, child, parent or nearest blood relative and (2) is a member of the Armed Forces who is medically unfit to perform his duties and (3) has a serious illness or injury suffered in the line of active duty and (4) is undergoing medical treatment, recuperation or therapy or is on the temporary disability retirement list.

## **Family and Medical Leaves**

**Eligibility Requirements** In order for an employee to be eligible for FMLA Leave, he or she must have been employed by the school District for no less than twelve months and worked at least 1,250 hours in the twelve months just before the beginning of the leave.<sup>1</sup>

**Leave Time.** Except in the case of leave to care for a covered servicemember, an eligible employee will be entitled to up to twelve (12) workweeks of unpaid leave during a 12-month period. The “12-month period” during which an employee may take FMLA Leave will be determined on a rolling basis, measured backwards from the date upon which an employee first uses any leave. For instance, an employee requiring FMLA Leave in April will be entitled to up to twelve workweeks of leave less any leave taken since April of the prior year.

**Leave Time to Care for Covered Servicemember:** An eligible employee who takes family leave to care for a covered service member shall be entitled to a combined total of twenty-six (26) workweeks of unpaid leave during a single 12-month period. The “single 12-month period” begins on the first day the employee takes such leave and ends 12 months after that date.

### **Husband and Wife both Eligible Employees:**

If a husband and wife eligible for leave are both employed by the district, their combined leave for the birth of a child, to care for a child after birth or placement for adoption or foster care, and/or to care for a parent who has a serious health condition, cannot exceed twelve (12) weeks of leave.

If a husband and wife eligible for leave are employed by the district, their combined leave cannot exceed twenty-six (26) weeks of leave during a single 12-month period when leave is taken for the following reasons:

- To care for a covered service member, or;
- When a combination of leave is taken to care for a covered service member as well as for the birth of a child, to care for a child after birth or placement for adoption or foster care, and/or to care for a parent who has a serious health condition.

**Serious Health Condition** A serious health condition is an illness, injury, impairment or physical or mental condition involving continuing treatment by a healthcare provider or any period of incapacity or treatment related to in-patient care (i.e., overnight stay) in a hospital, hospice or residential medical care facility. Continuing treatment entails:

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<sup>1</sup> A member of the National Guard or Reserve who is absent from employment for an extended period of time due to military service and is then reemployed by the District is entitled to FMLA leave if he or she would have been eligible for leave had he or she remained continuously employed.

## **Family and Medical Leaves**

### **Serious Health Condition** (continued)

- Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider; or
- Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

A serious health condition also exists during any:

- Period of incapacity due to pregnancy or prenatal care;
- Period of incapacity or treatment for such incapacity due to a chronic serious health condition, such as asthma or diabetes, which requires periodic visits to a health care provider and may involve occasional episodes of incapacity;
- Period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as terminal cancer or Alzheimer's disease; or
- Period of absence to receive multiple treatments for restorative surgery or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence

An employee who needs to know whether he or she has a health condition that would qualify him or her for FMLA Leave should contact the Human Resource Specialist.

### **Military Leave**

~~**Qualifying Exigency:** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain "qualifying exigencies". A "qualifying exigency" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. In order to secure leave for a qualifying exigency, employees must submit a completed DOL Form WH-384 along with a copy of the covered military member's active duty orders or other documentation that certifies that the covered military member is on active duty (or has been notified of an impending call to active duty). DOL Form WH-384 must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee.~~



4152.6(d)

4252.6(d)

## **Family and Medical Leaves**

### **Military Leave** (continued)

~~Serious Injury or Illness of Covered Servicemember:~~ FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. ~~This entitlement applies if the covered servicemember has a serious injury or illness suffered in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy. The entitlement may also apply if the servicemember is in outpatient status, or is on the temporary disability retired list. In order to secure this extended leave, employees must submit a completed DOL Form WH-385. This Form must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee.~~

### **Military Leave.**

**Qualifying Exigency:** Eligible employees with a spouse, son, daughter, or parent *who is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty)* may use their 12-week leave entitlement to address certain “qualifying exigencies”.

A “qualifying exigency” may include *issues arising from short notice deployment*, attending certain military events, arranging for alternative childcare *and attending school activities*, addressing certain financial and legal arrangements, attending certain counseling sessions, *engaging in rest and recuperation, parental care* and attending post-deployment reintegration briefings *as well as participating in additional activities arising out of the active duty or call to active duty*. In order to secure leave for a qualifying exigency, employees must submit a completed DOL Form WH-384 along with a copy *of the military member’s active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member’s covered active duty service. This information need only be provided once*DOL Form WH-384 must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee.

### **Care of a covered servicemember**

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember (either a currently serving servicemember or *covered* veteran) during a single 12-month period. *In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.*



“Covered Servicemember” means-

- (1) A **current** member of the Armed Forces<sup>2</sup> who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or
- (2) A **covered** veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness. *Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.*

“Serious Injury or Illness” means-

- (1) In the case of a **current** member of the Armed Forces, an injury or illness that was incurred by the member in line of duty on active duty (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- (2) In the case of a **covered** veteran *an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:*
  - (i) *a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or*
  - (ii) *a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or*
  - (iii) *a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or*
  - (iv) *an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.*

In order to secure this extended leave, employees must submit a completed DOL Form WH-385 (**current servicemember**) or WH-385V (**veteran**). This Form must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee.

**Notice of Eligibility** When an employee requests FMLA leave, or when the school District learns that an employee’s absence may be for an FMLA-qualifying reason, the District will notify the employee of FMLA eligibility within five business days, absent extenuating

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<sup>2</sup> Including a member of the National Guard or Reserves

## **Family and Medical Leaves**

### **Notice of Eligibility** (continued)

circumstances. Notification of eligibility does not mean that the District has determined that the leave qualifies as FMLA leave. Eligibility notification will include a notice of the employee's FMLA rights and responsibilities and inform the employee of any certification the District may require to support the leave request.

Notification will be achieved through the District's distribution of "Notice of Eligibility and Rights & Responsibilities," Department of Labor (DOL) Form WH-381, to the employee directly, or at his or her recorded home address.

**Designation Notice** When the District has sufficient information to determine whether leave is being taken for a FMLA-qualifying reason, the District will notify the employee whether the leave will be designated as FMLA Leave. The employee will be informed of the District's determination through the distribution of the "Designation Notice," DOL Form WH-382, within five business days of the receipt of such information, absent extenuating circumstances. Sufficient information includes medical certification (such as DOL Form WH-380 for employee's serious health condition, DOL Form WH-380-F for family member's serious health condition, or DOL Form WH-385 for serious injury or illness of covered servicemember) or a certification for qualifying exigency (DOL Form WH-384).

If the District has sufficient information to designate the leave as FMLA Leave immediately after receiving notice of the employee's need for leave, the District may provide the employee with the Notice of Eligibility and Designation Notice at the same time.

If the District will require an employee to present a fitness-for-duty certification in order to return to work, the District will provide notice of such requirement with the Designation Notice.

If such fitness-for-duty certification needs to address the employee's ability to perform the essential functions of his/her position, then the District will notify the employee in the Designation Notice and attach a list of the essential functions of the position.

**Intermittent Leave/Reduced Hours** Leave taken intermittently or on a reduced work schedule is permitted under this policy for medical necessity (due to the serious health condition of the employee or covered family member or serious injury or illness of a covered servicemember) and due to a qualifying exigency. Intermittent leave is not available when leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care.

Employees on intermittent leave must be allowed to take leave in as small a block of time as is provided for under the District's timekeeping practices. Any employee group that takes leave in

## **Family and Medical Leaves**

### **Intermittent Leave/Reduced Hours** (continued)

increments greater than one hour will be permitted to use intermittent FMLA leave in one hour increments. For example, an employee who is normally eligible to take sick time in increments of half-days will be permitted to use intermittent FMLA leave in one hour blocks. By contrast an employee who is normally eligible to take sick time in fifteen minute increments will be allowed to take intermittent FMLA leave in fifteen minute increments as well.

Unless a collective bargaining agreement or state or federal law require otherwise, the District may require an employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent or reduced hours leave. The temporary position will have rank, pay and benefits equivalent to the employee's regular job.

Instructional Employees: Special rules affecting intermittent leave, leave on reduced leave schedule, or leave near the end of an academic term apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, small group, or individual setting. The term includes not only teachers, but also athletic coaches, driving instructors, special education assistants and some teacher assistants and aides who are principally engaged in instruction.

Some instructional employees requesting intermittent leave or a reduced schedule leave may be required to choose between taking leave for the entire period of the intermittent leave and transferring temporarily to an alternative position for which the employee is qualified. This will occur in those situations where the leave is foreseeable based on planned medical treatment and the intermittent leave would involve the employee being absent for more than twenty percent (20%) of the working days during the period over which the leave extends. Instructional employees taking intermittent leave which constitutes *less* than twenty percent (20%) of the working days are not subject to transfer to an alternative position.

An instructional employee requesting leave near the end of an academic term may be required to remain on leave through the end of the term. Whether an instructional employee will be required to do so will depend on when the leave is requested and the number of weeks remaining in the term. Instructional employees requesting intermittent leave, reduced schedule leave, or leave near the end of an academic term and having questions regarding these restrictions should contact the Superintendent's Office.

**Paid Leave Substituted for (Runs Concurrently with) FMLA Leave** The federal FMLA regulations refer to "substituting" leave. This means the same thing as having two or more types of leave run concurrently. Earned-paid leave will be charged against the employee's FMLA Leave entitlement as set forth below:



## **Family and Medical Leaves**

### **Paid Leave Substituted for (Runs Concurrently with) FMLA Leave** (continued)

- *Vacation* and *personal* leave will run concurrently when an employee cares for his or her child after the birth or placement for adoption or foster care; when an employee cares for his or her son, daughter or parent who has a serious health condition; when a qualifying exigency occurs arising out of the employee's spouse, child or parent's tour of active duty in support of a contingency operation; and/or when an employee cares for care for his or her spouse, child, parent or next of kin who is on, called or ordered to active duty in the Armed Forces but is medically unfit to perform the duties of the member's office, grade, rank or rating.
- *Vacation, personal* and *sick* leave will run concurrently when a serious health condition makes an employee unable to do his or her job except when an employee is receiving workers' compensation or disability insurance benefits for a serious health condition. If it is the District's policy, practice, or obligation pursuant to a collective bargaining agreement to supplement worker's compensation or disability plan benefits with available paid leave (such as the case where a plan only provides replacement income for two-thirds of an employee's salary), then such paid leave will run concurrently.
- *Workers' Compensation and State Disability Benefits* will run concurrently when a serious health condition makes an employee unable to perform his or her job.

In the event that no paid leave is available to an employee while he/she is on FMLA Leave, FMLA Leave will be unpaid. The District's policies, practices and collective bargaining agreements control whether an employee has accrued paid leave.

The employee will be notified that paid leave will run concurrently with, and counted against, FMLA leave in the Notice of Eligibility and Designation Notice.

**Advance Notice.** Except in the case of a qualifying exigency, a request for a FMLA Leave must be made at least thirty days before the date on which the leave will begin unless the need is not foreseeable. When planning or scheduling foreseeable medical treatment, the employee must consult with the District and make a reasonable effort to schedule the leave so as to meet the approval of his or her health care provider without unduly disrupting school operations. If the need for FMLA Leave is not foreseeable, the request must be made as early as practicable under the particular facts and circumstances. Failure to provide timely notice may delay the taking of foreseeable leave. The District may decide to waive such notice requirement and designate the leave as FMLA Leave if it would otherwise qualify.

A request for FMLA Leave due to a qualifying exigency arising out of a spouse, child or parent's tour, impending call or order to active duty that is foreseeable must be made as far in advance as

## **Family and Medical Leaves**

### **Advance Notice** (continued)

is reasonable and practicable. The District requires copies of the military service member's active duty orders for qualifying exigency leaves. DOL Form WH-384 may be used for this purpose.

**Medical Certification** When an employee requests a leave based on a family member's or an employee's own serious health condition or to care for a covered servicemember, he or she will be required to support the request with written certification from the treating health care provider. The medical certification must explain the reason for the leave, the approximate date the condition commenced, the probable duration of the condition and the general nature of the treatment regimen. The employee should provide the health care provider with either a DOL Form WH-380-E, for an employee's own condition, or a DOL Form WH-380-F, for an immediate family member's condition, for this purpose.

When the leave is planned, the employee should provide the medical certification with the request, and if not with the request, before the leave begins. When the leave is not foreseeable, the employee must provide medical certification within 15 calendar days after the certification is requested, or as soon thereafter as reasonably possible. Delay in providing the certification could impact the start or continuation of leave, and failure to provide certification could result in the leave being treated as an unexcused absence. The District may require an employee to obtain a second or third opinion at the District's expense, depending on the particular circumstances of the individual case.

The employee has an obligation to provide the District with a complete and sufficient medical certification. If the certification is incomplete or insufficient the District will inform the employee of the deficiency and describe what information is needed to make the certification complete. The employee will be granted seven calendar days to cure a deficiency.

The District may contact the health care provider for the purposes of clarifying or authenticating a certification. This action will only be taken after the initial seven day cure period and will only be taken if the employee has provided the district with a Health Insurance Portability and Accountability Act ("HIPAA") release (FMLA Policy Addendum A). If a certification deficiency is not cured within the seven day time period, and the District is unable to correct the deficiency through direct, HIPAA-authorized, health care provider contact, the District may deny FMLA and any related absence may be counted as unexcused. The employee bears the ultimate responsibility for providing the District with timely and complete certification. Under no circumstances may the employee's direct supervisor contact the health care provider for purposes of clarification.



## **Family and Medical Leaves**

**Other Medical Certification.** While an employee is out on leave, the District may require additional reports regarding the employee's status and intent to return to work, which may include re-certification(s) from a health care provider.

**Health Insurance.** The District will continue health benefits during an employee's FMLA Leave as if the employee was continuously employed during the leave period. Employees making co-pay contributions to their health benefits must continue to do so, or coverage may be lost. If paid leave is substituted for FMLA Leave, any co-pay contributions will be paid by the method used prior to the leave (e.g., payroll deduction). If the FMLA Leave is unpaid, insurance payments must be paid in the manner the District designates. The District will notify the employee in writing of the terms and conditions by which these payments must be made. If an employee is able to return to work after the expiration of the leave but chooses not to, the employee will be required to reimburse the District for premiums the District paid to maintain his or her health coverage.

**Other Benefits.** During FMLA leave, the employee shall not accrue any additional benefits unless otherwise provided for by contract or school policy. Employment benefits accrued by the employee up to the day on which the FMLA leave of absence begins will be available upon return from leave.

With respect to pension and retirement plans, FMLA leave will be treated as continued service for purposes of vesting and eligibility to participate.

**Return to Work** The District may require an employee on FMLA Leave to report periodically on the employee's status and intent to return to work. An employee who took leave because of his or her own serious health condition may be required to provide a fitness-for-duty certification (medical clearance) before returning to work. This will occur at the District's discretion, and factors considered will include, but not be limited to, the nature of the employee's health condition, the functions of the employee's position, the nature of the employee's initial medical certification(s) and evidence of abuse of leave entitlements.

An employee returning from FMLA Leave will be returned to the same position the employee held when the leave commenced or to an equivalent position with the same benefits, pay and similar terms and conditions of employment. Upon return from FMLA Leave, an employee will not be required to re-qualify for any benefits enjoyed before the leave. All benefits provided by the District prior to the leave shall resume in the same manner at the same levels subject only to changes that affect the entire workforce.

If the employee would not have been employed at the time he or she returned to work, then the District may deny reinstatement. For example, the District has no obligation to reinstate an

## **Family and Medical Leaves**

### **Return to Work** (continued)

employee who would have been laid-off during his or her FMLA leave period. An employee who is unable to return to work after exhausting his or her FMLA Leave entitlement or who would not otherwise have been employed will be separated from employment, unless the District has granted an extension to the leave.

**Key Employees** Some higher-paid employees are considered “key employees”. Such employees will be advised at the beginning of their FMLA leave that they are a key employee and, on that basis, may be denied restoration to their position if restoration would cause substantial and grievous economic injury to the District.

**Pregnancy-related Leave and Transfer** Under state law, an employee is entitled to a reasonable leave of absence for disability resulting from pregnancy. An employee taking such leave must provide a medical certification from a health care provider in the same manner he or she would for FMLA leave.

When an employee’s disability also qualifies as a serious health condition under this policy, the two types of leave will run at the same time. When this happens, the leave will be counted against the employee’s FMLA leave entitlement. While on pregnancy-related disability leave, an employee will be eligible to receive the same disability benefits as an employee on a medical leave of absence. In the event no paid days are available, the leave will be unpaid. Return to work FMLA entitlements apply.

If a pregnant employee reasonably believes that continued work in her current position could cause injury to herself or the fetus, she should give written notice to the Superintendent’s Office. Upon receipt of such notice, the District will make a reasonable effort to transfer the pregnant employee to a suitable temporary position. The District’s decision regarding the request for transfer may be appealed to the Connecticut Commission on Human Rights and Opportunities.

### **Employee Abuse of Policy**

Any employee who is found to have abused his or her leave entitlements under this policy may be subject to discipline, up to and including immediate discharge.

## **Family and Medical Leaves**

### **Posting and Record-Keeping**

#### **Posting Requirements**

- Notice explaining the Family and Medical Leave Act provisions and providing information concerning the procedures for filing complaints must be posted where employees can easily see it. (Department of Labor Form WHD Publication 1420)
- If a significant number of employees speak a language other than English, a second FMLA notice, written in a language that employees can understand should be posted as well. (The Department of Labor's web-site provides FMLA notices in foreign languages. Use the site-address [www.dol.gov/esa/whd/fmla/finalrule.gov](http://www.dol.gov/esa/whd/fmla/finalrule.gov).)
- Notice explaining employee FMLA rights and responsibilities must be included in applicable employee handbooks.<sup>3</sup> (The text of DOL Form WHD Publication 1420)
- A copy of the notice explaining FMLA provisions will be given to each new employee upon hiring. (Department of Labor Form WHD Publication 1420)

#### **Record-keeping Requirements**

- Must keep records in conformance with wage and hour law.
- Records must be kept for no less than three years.
- Name, address and occupation of the employee; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.
- Dates FMLA leave is taken by employees must be recorded.
- If FMLA leave is taken in increments of less than one full day, the hours of the leave;
- Any written notice of FMLA leave given by the employee, and copies of all notices given to employees as required by law and by this policy;
- Any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves;

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<sup>3</sup> This does not include collective bargaining agreements.

## **Family and Medical Leaves**

### **Posting and Record-Keeping** (continued)

- Payment of any employee benefits premiums; and
- Records of any dispute regarding designation of leave as FMLA leave, including any written statements from the employer and/or the employee concerning the reasons for the designation and for the disagreement.

### **Medical Records**

Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members shall be maintained in the employees' separate medical files and treated as confidential medical records.

### **Forms**

This administrative regulation references the following forms developed by the U.S. Department of Labor:

- "FMLA Rights and Responsibilities Notice" WHD Publication 1420
- "Notice of Eligibility and Rights & Responsibilities" DOL Form WH-381
- "Designation Notice" DOL Form WH-382
- "Certification of Health Care Provider for Employee's Serious Health Condition" DOL Form WH-380-E
- "Certification of Health Care Provider for Family Member's Serious Health Condition" DOL Form WH-380-F
- "Certification of Qualifying Exigency For Military Family Leave" DOL Form WH-384
- "Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave" DOL Form WH-385
- ***"Certification for Serious Injury or Illness of Veteran for Military Caregiver Leave," DOL Form WH385-V***

The District reserves the right to substitute any of the forms listed above with replacements distributed by the Department of Labor or any other sufficient form created by the District.

Regulation adopted: November 7, 2005  
Regulation revised: November 18, 2008  
Regulation revised: October 13, 2009

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<b>ITEM OF INFORMATION REGULATION REVISION</b>
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*Commentary: Replaces current regulation with the regulation which follows (not in bold, italic, but different font, see end).*

**5157(a)**

## **Students**

### **~~Use of Physical Force and Seclusions: Procedures~~**

#### **~~Restraint(s)~~**

~~District employees shall be informed through in-services and staff meetings of the limits of their ability to use physical force against students.~~

~~Staff using such restraints shall be subject to the following:~~

- ~~1. Such use of restraint shall not be used as punishment, discipline or for the convenience of staff.~~
- ~~2. Staff using restraint shall complete an incident report with the principal or his/her designee justifying the use of such measures. The administration shall notify the parent(s)/guardian(s) of the incident promptly.~~
- ~~3. Staff shall maintain continuous visual supervision on any student upon which restraint or devices have been used to ensure the student's health and safety.~~
- ~~4. A student's respiration and/or circulation shall not be restricted.~~
- ~~5. Staff shall not be expected to use force or restraint when the risk of harm to the student or staff member outweighs the risk of harm presented by the student's conduct.~~

#### **~~Procedures Concerning Restraint and Seclusion of Persons at Risk~~**

~~The following sets forth the procedures concerning the physical restraint and seclusion of persons at risk, as governed by state law. Violations of these procedures by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.~~

#### **~~I. Definitions:~~**

- ~~• Provider: A person who provides direct care, education or supervision of a person at risk.~~
- ~~• Assistant Provider or Assistant: A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider.~~



## Students

### ~~Use of Physical Force and Seclusion: Procedures cont'd.~~

#### ~~Procedures Concerning Restraint and Seclusion of Persons at Risk~~

##### ~~I. Definitions: Cont'd.~~

- ~~Person at Risk: A child who meets eligibility criteria for special education services under the IDEA and who is receiving special education from the Board of Education, or a child who is being evaluated for eligibility for special education pursuant to statute and awaiting determination.~~
- ~~Life Threatening Physical Restraint: Any physical restraint or hold of a person that restricts the air flow of air into a person's lungs, whether by chest compression or any other means.~~
- ~~Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (a) briefly holding a person in order to calm or comfort; (b) restraint involving the minimum contact necessary to safely escort a person from one area to another; (c) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (d) helmets or other protective gear used to protect a person from injuries due to a fall; or (e) helmets, mitts and similar devices used to prevent self injury when the device is part of an Individualized Education Program (IEP) and is the least restrictive means available to prevent such self injury.~~
- ~~Seclusion: The confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room.~~

##### ~~H. Procedures for Physical Restraint of Persons at Risk~~

- A. ~~Life Threatening Physical Restraint: No provider or assistant shall under any circumstances use a life threatening physical restraint on a person at risk.~~
- B. ~~No provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.~~
- C. ~~Physical restraint of a person at risk shall never be used as a disciplinary measure or as a convenience.~~
- D. ~~Providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.~~



## Students

### Use of Physical Force and Seclusion: Procedures

#### II. Procedures for Physical Restraint of Persons at Risk Cont'd.

E. ~~Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.~~

F. ~~Monitoring:~~

a. ~~A provider or an assistant must continually monitor any person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.~~

b. ~~A provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person being restrained.~~

G. ~~Documentation and Communication:~~

a. ~~A provider must notify the parent or guardian of a person at risk of each incident that the person at risk is physically restrained.~~

b. ~~The Director of Special Education must be notified of the following:~~

- ~~i. Each use of physical restraint on a person at risk;~~
- ~~ii. The nature of the emergency that necessitated its use; and~~
- ~~iii. If the physical restraint resulted in physical injury to the person at risk.~~

c. ~~After physical restraint occurs, the following information must be documented in the educational file of the person at risk who was physically restrained:~~

- ~~i. In the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;~~
- ~~ii. A detailed description of the nature of the restraint;~~
- ~~iii. The duration of the restraint; and~~
- ~~iv. The effect of the restraint on the person's established behavioral support or educational plan.~~

## Students

### ~~Use of Physical Force and Seclusion: Procedures cont'd.~~

#### ~~III. Procedures for Seclusion of Persons at Risk~~

~~A. No provider or assistant shall use involuntary seclusion on a person at risk EXCEPT as follows:~~

- ~~a. As an emergency intervention to prevent immediate or imminent injury to the person at risk or to others, provided such seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative; or~~
- ~~b. As specifically provided for in the IEP of the person at risk.~~

~~Before incorporating the use of seclusion into the child's IEP, the PPT shall consider the use of less restrictive alternatives to determine whether seclusion is a necessary part of the child's IEP.~~

~~B. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for a person at risk.~~

~~C. Monitoring:~~

- ~~a. A provider or an assistant must continually monitor any person at risk who is placed in seclusion. The monitoring must be conducted by direct observation of the person at risk.~~
- ~~b. A provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person who is in seclusion.~~

~~D. Documentation and Communication:~~

- ~~a. A provider must notify the parent or guardian of a person at risk of each incident that the person at risk is placed in seclusion.~~
- ~~b. The Director of Special Education must be notified of the following:
 
  - ~~i. Each use of seclusion on a person at risk;~~
  - ~~ii. The nature of the emergency that necessitated its use; and~~
  - ~~iii. If the seclusion resulted in physical injury to the person at risk.~~~~
- ~~c. After seclusion occurs, the following information must be documented in the educational file of the person at risk who was placed in seclusion:~~

## Students

### ~~Use of Physical Force and Seclusion: Procedures cont'd.~~

#### ~~III. Procedures for Seclusion of Persons at Risk Cont'd.~~

- ~~i. In the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;~~
- ~~ii. A detailed description of the nature of the seclusion;~~
- ~~iii. The duration of the seclusion; and~~
- ~~iv. The effect of the seclusion on the person's established behavioral support or educational plan.~~

#### ~~IV. Responsibilities of the Director of Special Education~~

- ~~A. The Director of Special Education, or his/her designee, must compile annually the instances of physical restraint and seclusion within the District that shall include a record of each instance of the use of physical restraint or seclusion on a person at risk and the nature of the emergency that necessitated each instance of physical restraint and seclusion. The Director shall include such information in an annual compilation on its use of such restraint and seclusion that is provided to the State Department of Education.~~
- ~~B. The Director of Special Education, or his/her designee, may report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk. This written report must include: 1) the name of the student, 2) the nature of the emergency that necessitated the use of the restraint or seclusion, 3) a description of the restraint or seclusion, and 4) a description of the injury to the student.~~
- ~~C. The Director of Special Education, or his/her designee, must, at each initial PPT meeting for a child, inform the child's parent, guardian, or surrogate parent, or the pupil if such pupil is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this procedure, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.~~

~~Legal References: Connecticut General Statutes:~~  
~~46a-150 through 46a-153; 53a-18~~  
~~Public Act 07-147~~

## Students

### PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE “PERSONS AT RISK”

The following sets forth the procedures concerning the physical restraint and seclusion of persons at risk, as governed by state law. Violations of these procedures by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

#### I. DEFINITIONS

- Provider: A person who provides direct care, education or supervision of a person at risk.
- Assistant Provider or Assistant: A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider.
- Person at Risk: A child who meets eligibility criteria for special education services under the IDEA and who is receiving special education from the Board of Education, or a child who is being evaluated for eligibility for special education pursuant to statute and awaiting determination.
- Life Threatening Physical Restraint: Any physical restraint or hold of a person that restricts the air flow of air into a person's lungs, whether by chest compression or any other means.
- Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include: (a) briefly holding a person in order to calm or comfort; (b) restraint involving the minimum contact necessary to safely escort a person from one area to another; (c) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (d) helmets or other protective gear used to protect a person from injuries due to a fall; or (e) helmets, mitts and similar devices used to prevent self injury when the device is part of an Individualized Education Program (IEP) and is the least restrictive means available to prevent such self-injury .
- Seclusion: The confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room. The term does not include confinement in which the student is physically able to leave the area of confinement including, but not limited to in-school suspension and time-out.
- Psychopharmacologic agent: means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- Behavior intervention: means supports and other strategies developed by the planning and placement team to address the behavior of a person at risk which impedes the learning of the person at risk or the learning of others.

## **Students**

### **PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE “PERSONS AT RISK”**

#### **II. TRAINING OF SCHOOL PERSONNEL**

Only school personnel who have received training in physical management, physical restraint and seclusion procedures may restrain or seclude a student who is a person at risk. Such training shall include, but not be limited to:

- verbal defusing or de-escalation;
- prevention strategies;
- types of physical restraint;
- the differences between life-threatening physical restraint and other varying levels of physical restraint;
- the differences between permissible physical restraint and pain compliance techniques;
- monitoring to prevent harm to a person physically restrained or in seclusion; and
- recording or reporting procedures on the use of restraints and seclusion.

#### **III. PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT**

- H. Life Threatening Physical Restraint: No provider or assistant shall under any circumstances use a life threatening physical restraint on a person at risk.
- I. No provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.
- J. Physical restraint of a person at risk shall never be used as a disciplinary measure or as a convenience.
- K. Providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.
- L. No provider or assistant may use a psychopharmacologic agent on a person at risk without that person's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the person or to others, or (2) as part of a licensed practitioner's initial orders; and (3) in a manner consistent with the Board's policy on Administration of Medication. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- M. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.
- N. Monitoring:
  - 1. A provider or an assistant must continually monitor any person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.
  - 2. A provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person being restrained.



## Students

### PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE "PERSONS AT RISK"

#### IV. PROCEDURES FOR THE USE OF SECLUSION

- E. No provider or assistant shall use seclusion on a person at risk EXCEPT as follows:
  - a. As an emergency intervention to prevent immediate or imminent injury to the person at risk or to others, provided such seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative; or
  - b. If seclusion is specifically provided for in the IEP of the person at risk, and if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.
- F. Before incorporating the use of seclusion into the child's IEP, the PPT shall consider the use of less restrictive alternatives to determine whether seclusion is a necessary part of the child's IEP. If the PPT of the child determines, based upon the results of a functional assessment of behavior and other information determined relevant by the PPT, that use of seclusion is an appropriate behavior intervention, the PPT shall include the assessment data and other relevant information in the IEP of the child as the basis upon which a decision was made to include the use of seclusion as a behavior intervention. In such a case, the IEP shall specify (1) the location of seclusion, which may be multiple locations within a school building, (2) the maximum length of any period of seclusion, in accordance with Section III.E, below, (3) the number of times during a single day that the person at risk may be placed in seclusion, (4) the frequency of monitoring required for the child while in seclusion, and (5) any other relevant matter agreed to by the PPT taking into consideration the age, disability and behaviors of the child that might subject the child to the use of seclusion.
- G. The PPT shall, at least annually, review the continued use of seclusion as a behavior intervention for the child. When the use of seclusion as a behavior intervention is repeated more than two times in any school quarter, the PPT (1) shall convene to review the use of seclusion as a behavior intervention, (2) may consider additional evaluations or assessments to address the child's behaviors, and (3) may revise the child's IEP, as appropriate.
- H. The PPT shall inquire as to whether there are any known medical or psychological conditions that would be directly and adversely impacted by the use of seclusion as a behavior intervention. A person at risk shall not be placed in seclusion if such person is known to have any medical or psychological condition that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion. Such licensed health care provider may be the child's licensed health care provider or a licensed health care provider utilized by the public schools to provide an evaluation of the child for purposes of determining the appropriate use of seclusion as a behavior intervention in the person at risk's IEP. As part of the assessments described in Section III.B, above, the PPT may request a medical or psychological evaluation of the child for purposes of determining whether there is a medical or psychological condition that will be directly and adversely impacted by the use of seclusion as a behavior intervention. The parent may provide that information to the PPT. Any written statement provided by a licensed health care provider shall be included in the educational record of the child.



## Students

### PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE "PERSONS AT RISK"

- I. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for a person at risk. Any period of seclusion (1) shall be limited to that time necessary to allow the child to compose him or herself and return to the educational environment and (2) shall not exceed one hour. The use of seclusion may be continued with written authorization of the building principal or designee to prevent immediate or imminent injury to the child or to others. In the case where transportation of the child is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the child or to others is a concern.
- J. Monitoring:
  - a. A person at risk in seclusion shall be monitored as described in the child's IEP by a provider or assistant specifically trained in physical management, physical restraint and seclusion procedures including, but not limited to, training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention
  - b. A provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress.

### V. DOCUMENTATION AND NOTIFICATION

- A. Each instance of the use of physical restraint or seclusion as an emergency intervention must be recorded on a standardized incident report form developed by the Department of Education. Such reports shall be completed no later than the school day following the incident. (ADDENDUM A, Incident Report). The report must specify: (1) whether the use of seclusion was in accordance with an IEP or whether the use of restraint or seclusion was an emergency, including the nature of the emergency; (2) whether the use of restraint or seclusion resulted in physical injury to the person; and (3) such other information requested in the form. Instances of in-school suspension need not be reported as seclusion.
- B. Parents or guardians of students who are persons at risk must be given notice of each incident in which the student is physically restrained or placed in seclusion. If the restraint or seclusion was used as an emergency intervention, the parent shall be notified of the incident within 24 hours of the seclusion. Such notification may be made by phone, e-mail, or other method which may include sending a note home with the child. Such notification shall be followed by sending the parent a copy of the incident report no later than two business days after the incident. Where the seclusion is included in the IEP of the person at risk, the PPT and the parents shall determine the timeframe and manner of notification of each incident of seclusion.

## Students

### PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE "PERSONS AT RISK"

- C. When a restraint or seclusion occurs of a person at risk, the following information must be documented in the educational file of the student:
  - 1. In the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
  - 2. A detailed description of the nature of the restraint or seclusion;
  - 3. The evaluation notes of the provider or assistant who monitored the student during the restraint or seclusion for indications of physical distress
  - 4. The duration of the restraint or seclusion; and
  - 5. The effect of the restraint or seclusion on the student's established behavioral support or educational plan.
- D. The Director of Special Education must be notified of the following:
  - 1. Each use of restraint or seclusion on a person at risk;
  - 2. The nature of the emergency that necessitated its use; and
  - 3. If the restraint or seclusion resulted in physical injury to the person at risk.

### VI. FACILITIES FOR SECLUSION OF PERSONS AT RISK

Any room used for the seclusion of a person at risk shall:

- A. Be of a size that is appropriate to the chronological and developmental age, size and behavior of the person at risk;
- B. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- C. Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;
- D. Be free of any object that poses a danger to the person at risk who is being placed in the room;
- E. Have a door with a lock only if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Not later than January 1, 2014, the locking mechanism of any room in a public school specifically designated for use as a seclusion room shall be a pressure sensitive plate. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the person at risk from leaving the room, shall be able to be removed in the case of any emergency. An "emergency" for purposes of this subdivision includes, but is not limited to, (1) the need to provide direct and immediate medical attention to the person at risk, (2) fire, (3) the need to remove the person at risk to a safe location during a building lockdown, or (4) other critical situations that may require immediate removal of the person at risk from seclusion to a safe location; and

## Students

### PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE “PERSONS AT RISK”

- F. Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a person at risk.

## VII. RESPONSIBILITIES OF THE DIRECTOR OF SPECIAL EDUCATION

### A. REPORTING INSTANCES OF RESTRAINT AND SECLUSION

The Director of Special Education, or his/her designee, must compile annually the instances of physical restraint and seclusion within the District that shall include (1) a record of each instance of the use of physical restraint or seclusion on a person at risk, (2) whether the use of seclusion was in accordance with an IEP or whether the use of restraint or seclusion was an emergency, including the nature of the emergency, and (3) whether the use of restraint or seclusion resulted in physical injury to the person. The Director shall include such information in an annual compilation on its use of such restraint and seclusion that is provided to the State Department of Education.

### B. REPORTS OF INJURIES

The Director of Special Education, or his/her designee, shall report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk. This written report must include: 1) the name of the student, 2) whether the use of seclusion was in accordance with an IEP or whether the use of restraint or seclusion was an emergency, including the nature of the emergency, 3) a description of the restraint or seclusion, and 4) a description of the injury to the student. Any physical injury resulting from the use of restraint or seclusion must be recorded in the student's school health record.

### C. PARENTAL NOTIFICATION OF LAWS

The Director of Special Education, or his/her designee, must, at each initial PPT meeting for a child, inform the child's parent, guardian, or surrogate parent, (or the pupil if such pupil is an emancipated minor or eighteen years of age or older), of the laws relating to physical restraint and seclusion as expressed by the State Department of Education's "Parental Notification of the Laws Relating to the use of Seclusion and Restraint in the Public Schools." This notification must also be given at the first PPT meeting in which the use of seclusion as a behavior intervention is included in the child's IEP. (ADDENDUM B- Parental Notification)

## Students

### **PROCEDURES FOR THE USE OF PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS WHO ARE "PERSONS AT RISK"**

Legal References:      Connecticut General Statutes:  
                                 10-76d Duties and powers of boards of education to provide special education programs and services.  
                                 10-220 Duties of boards of education  
                                 46a-150 through 46a-154 Use of restraint and seclusion,  
                                 (as amended by Public Act 12-88)  
                                 53a-18 Use of reasonable physical force  
                                 Regulations Connecticut State Agencies §10-76b-1 to 11

# NEW MILFORD PUBLIC SCHOOLS

## Incident Report of Seclusion

*Note: Any use of seclusion is to be documented in the child's educational record and, if appropriate, in the child's school health record.*

**Seclusion:** The confinement of a person in a room, whether it be alone or with supervision in a manner that prevents the person from leaving the room. In a public school seclusion does not mean any confinement of a child where the child is physically able to leave the area of confinement including in-school suspension and time-out.

### District Information

School District \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 School: \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Date of Seclusion: \_\_\_\_\_ Date of Report: \_\_\_\_\_ Person preparing the report: \_\_\_\_\_  
 Time seclusion was initiated \_\_\_\_\_ Time seclusion ended \_\_\_\_\_ Total time of seclusion \_\_\_\_\_

### Student Information

Student's Name \_\_\_\_\_ SASID# \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Age: \_\_\_\_\_ Gender: M/F Grade \_\_\_\_\_ Race: \_\_\_\_\_ Disability: \_\_\_\_\_  
 \_\_\_\_\_ The student currently receives special education services.  
 \_\_\_\_\_ The student is being evaluated or considered for eligibility for special education services.

### Staff Information

Name of staff administering seclusion \_\_\_\_\_ Title \_\_\_\_\_  
 Name of staff monitoring/witnessing seclusion \_\_\_\_\_ Title \_\_\_\_\_

### Student activity/behavior precipitating seclusion

Describe the location and activity in which the student was engaged just prior to the seclusion: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe the risk of immediate or imminent injury to the student secluded or to others that required the use of seclusion: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency which necessitated the use of seclusion: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe the nature of the seclusion (Was it used as an emergency procedure to prevent immediate or imminent injury to the student or others? Was it used as a behavior intervention as indicated in the IEP? If in the IEP, did the situation/emergency meet the criteria as outlined?) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Did the student demonstrate physical distress while in seclusion? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 Indicate time student was monitored for physical distress: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Describe the disposition of the student following the seclusion: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Was the student injured during the emergency use of restraint? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If "Yes", complete and attach a Report of Injury.

### Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident? \_\_\_\_\_ Yes (indicate manner) \_\_\_\_\_  
 \_\_\_\_\_ No \_\_\_\_\_  
 Was a copy of the Incident Report sent to parent/guardian within 2 business days? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 Is a PPT recommended to modify the IEP? \_\_\_\_\_ Yes \_\_\_\_\_ No If "yes", date of notice \_\_\_\_\_



# NEW MILFORD PUBLIC SCHOOLS

## Incident Report of Physical Restraint

*Note: Any use of physical restraint is to be documented in the child's educational record and, if appropriate, in the child's school health record.*

**Physical Restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a child's arms, legs or head. It does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan or IEP and is the least restrictive means available to prevent self-injury.

### District Information

School District \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
School: \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
Date of Restraint: \_\_\_\_\_ Date of Report: \_\_\_\_\_ Person preparing the report: \_\_\_\_\_  
Time restraint was initiated \_\_\_\_\_ Time restraint ended \_\_\_\_\_ Total time of restraint \_\_\_\_\_

### Student Information

Student's Name \_\_\_\_\_ SASID# \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Age: \_\_\_\_\_ Gender: M/F \_\_\_\_\_ Grade \_\_\_\_\_ Race: \_\_\_\_\_ Disability: \_\_\_\_\_  
\_\_\_\_\_  
The student currently receives special education services.  
\_\_\_\_\_  
The student is being evaluated or considered for eligibility for special education services.

### Staff Information

Name of staff administering restraint \_\_\_\_\_ Title \_\_\_\_\_  
Name of staff monitoring/witnessing restraint \_\_\_\_\_ Title \_\_\_\_\_

### Student activity/behavior precipitating restraint

Describe the location and activity in which the student was engaged just prior to the restraint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the risk of immediate or imminent injury to the student restrained or to others that required the use of restraint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency which necessitated the use of restraint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature of the physical restraint (include the type of hold/restraint and the number of persons required): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate times student was monitored for signs of physical distress and if any signs of physical distress were noted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the disposition of the student following the restraint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the student injured during the emergency use of restraint? Yes \_\_\_\_\_ No \_\_\_\_\_  
*If "Yes", complete and attach a Report of Injury.*

### Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident? \_\_\_\_\_ Yes (indicate manner) \_\_\_\_\_  
\_\_\_\_\_  
No \_\_\_\_\_  
Was a copy of the Incident Report sent to parent/guardian within 2 business days? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
Is a PPT recommended to modify the IEP? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
*If "yes", date of notice \_\_\_\_\_*

## ADDENDUM B

### Parental Notification of the Laws Relating to the use of Seclusion and Restraint in the Public Schools

#### Introduction

You have been provided with a copy of the "Procedural Safeguards in Special Education." The Procedural Safeguards document outlines your rights and the rights of your child under the federal Individuals with Disabilities Education Act (the IDEA) and the Connecticut statutes and regulations concerning the provision of special education and related services to children with disabilities.

The Board of Education is also required by state statute to inform you about a specific provision of the state statutes and regulations regarding the emergency use of physical restraint and seclusion or the use of seclusion as a behavior intervention in a child's IEP. Every parent must be advised of these rights at the initial Planning and Placement Team meeting (PPT) held for their child even if the emergency use of physical restraint or seclusion or the use of seclusion as a behavior intervention in a child's IEP is not likely to occur with their child.

On and after October 1, 2009, you must be provided with a copy of the state developed "Parental Notification of the Laws relating to Physical Restraint and Seclusion in the Public Schools" at the first PPT meeting following your child's initial referral for special education. If your child was eligible for special education prior to October 1, 2009, you will receive this notice at the first PPT meeting convened after October 1, 2009. In addition, the notice must also be provided to you at the first PPT meeting where the use of seclusion as a behavior intervention is included in your child's IEP.

#### Who are the children covered by the law?

The state statute uses the term "person at risk" to describe the people generally covered by the statute. For the public schools, the "person at risk" is (1) a child requiring special education and related services who is

receiving services from their board of education or (2) a child being evaluated to determine the child's eligibility for special education and related services. This notice uses the term "child" and this means a child who is eligible for special education and related services and is receiving services from their board of education or a child who is being evaluated to determine the child's eligibility for special education and related services.

#### What does "physical restraint" mean?

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a child's arms, legs or head. It does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan or IEP and is the least restrictive means available to prevent self-injury.

#### What does "seclusion" mean?

Seclusion means the confinement of a child in a room, whether alone or with staff supervision, in a manner that prevents the child from leaving. In public schools, seclusion does not mean any confinement of a child where the child is physically able to leave the area of confinement such as in-school suspension and time-out.

#### What do I need to know about the emergency use of restraint and seclusion?

1. Life threatening physical restraint is prohibited. Life threatening physical restraint means any physical restraint or hold of a child that restricts the flow of air into a child's lungs, whether by chest compression or any other means.
2. Involuntary physical restraint may not be used to discipline a child; it may not be used because it's convenient and it may not be used as a substitute for a less restrictive alternative.
3. Involuntary physical restraint is to be used solely as an emergency intervention to prevent immediate or imminent injury to the child or to others. When a

child is physically restrained, the child is to be continually monitored by a person who has the training as described in #7 below. Monitoring means direct observation of the child or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A child who is physically restrained must be regularly evaluated for any signs of physical distress by a person who has the training as described in #7 below. The evaluation must be documented in the child's educational records.

4. Involuntary seclusion may not be used to discipline a child; it may not be used because it's convenient and it may not be used as a substitute for a less restrictive alternative.
5. When a child is involuntarily placed in seclusion as an emergency intervention to prevent immediate or imminent injury to the child or to others, the child is to be frequently monitored by a person who has the training as described in #7 below. Monitoring means direct observation of the child or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A child who is involuntarily secluded must be regularly evaluated for any signs of physical distress by a person who has the training as described in #7 below. The evaluation must be documented in the child's educational records.
6. A psychopharmacologic agent (medications that affect the central nervous system, influencing thinking, emotion or behavior) may not be used with your child except as prescribed by a physician and administered according to the orders of your child's physician and in compliance with board policies concerning the administration of medications in the school.
7. A child may be physically restrained or removed to seclusion only by a person who has received training in physical management, physical restraint and seclusion procedures including training to recognize health and safety issues for children placed in seclusion. Additional training such as verbal defusing or de-escalation, prevention strategies; types of physical restraint, the differences between permissible physical restraint and other varying levels of physical restraint, the differences between permissible physical restraint and pain compliance techniques, monitoring to prevent harm to a child physically restrained or in seclusion and recording and reporting procedures on

the uses of restraint and seclusion must also be provided.

8. Public schools are required to maintain a safe school setting. Public schools are allowed to use reasonable physical force when and to the extent there is a reasonable belief it is necessary to protect students or staff, obtain possession of a dangerous instrument or controlled substance upon or within control of a minor, protect property from physical damage or restrain a child or remove a child to another area to maintain order. The prohibitions listed in items 1-5, above, do not conflict with the responsibility of public schools to maintain a safe school setting or use reasonable physical force as described here.

#### If seclusion is used as a behavior intervention in my child's IEP, what can I expect?

9. A public school may use seclusion as a behavior intervention if it's specifically addressed in your child's individualized education program (IEP). A "behavior intervention" means supports and other strategies developed by the PPT to address a child's behavior which may interfere with the child's learning or the learning of others.
10. Seclusion may only be used as a behavior intervention in your child's IEP if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by your child were tried but the child's behavior did not improve.
11. Seclusion may not be used as a behavior intervention for a child if it is known that the child has any medical or psychological conditions that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion.
12. Where seclusion is used as a behavior intervention, your child's IEP must specify:
  - (a) the location of seclusion, which may be multiple locations within a school building;
  - (b) the maximum length of any period of seclusion;
  - (c) the number of times in a single day the child may be placed in seclusion;
  - (d) the frequency of monitoring while the child is in seclusion; and
  - (e) any other concerns addressed by the PPT concerning the age, disability and

behaviors of a child where seclusion may be used as a behavior intervention.

13. The use of seclusion as a behavior intervention is to be limited to the time necessary to allow the child to calm down and return to school activities. A child may not be placed in seclusion for more than one hour unless necessary to prevent immediate or imminent injury to the child or to others. Seclusion may be continued over an hour only with the written authorization of the building principal or someone designated by the building principal. When the child may need to be transported, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the child or to others is a concern.
14. Any assessment data or other relevant information used by the PPT to decide if it is appropriate to use seclusion as a behavior intervention must be included in your child's IEP under "Present Levels of Academic Achievement and Functional Performance." Any medical or psychological evaluations used to decide whether there may be a medical or psychological reason why the use of seclusion is not appropriate for your child is also to be included with the data and other information.
15. The PPT must review at least annually the continued use of seclusion as a behavior intervention for the child.
16. If seclusion as a behavior intervention is repeated more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention, may consider additional evaluations or assessments to address the child's behaviors and may revise the child's IEP, as appropriate. You and the school should discuss when to convene this required PPT meeting taking into consideration the needs of your child. For example, your child is transitioning to a less restrictive setting (from a residential to day treatment program). You and the PPT have discussed that it may take some time for your child to adjust and that seclusion may be used frequently as your child adjusts to the new program. You and the PPT may decide that it is appropriate not to hold the PPT meeting at the time when seclusion is repeated more than two times in any school quarter as a behavior intervention but to schedule the PPT at a later date to review the use of seclusion as a behavior intervention.

17. A child may be removed to seclusion only by a person who has received training in physical management, physical restraint and seclusion procedures including training to recognize health and safety issues for children placed in seclusion. Additional training such as verbal defusing or de-escalation, prevention strategies, types of physical restraint, the differences between permissible physical restraint and other varying levels of physical restraint, the differences between physically restrained or in seclusion and recording and reporting procedures on the uses of restraint and seclusion must also be provided.
18. A child placed in seclusion as a behavior intervention must be monitored as described in the child's IEP by a person specifically trained in physical management, physical restraint and seclusion procedures, which include training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention.
19. If you disagree with the use of seclusion in your child's IEP, you have the right to special education due process. You may request the school district agree to mediation to resolve your concerns, or you may proceed directly to a hearing to challenge the use of seclusion in your child's IEP as a behavior intervention. You may also file a complaint with the State Department of Education regarding the use of seclusion as a behavior intervention.
20. Any room used for seclusion must be physically comparable to other rooms in the building used for instructional purposes and must be of a size that is appropriate to the chronological and developmental age, size and behavior of the child. The room used must be free of any object that might pose a danger to the child who is placed in the room. If the door has a lock, the lock must be able to be disengaged automatically in the case of an emergency. The room must have an unbreakable observation window located in the wall or door to allow frequent visual monitoring of the child and any other person in the room.

What kinds of reporting is done by the schools on the use of restraint and seclusion ?

21. The school must document any use of physical restraint or seclusion in the child's educational record and, if an injury occurs, in the child's health record at school by filling out the State Department of Education standardized incident report.
22. Where restraint or seclusion is of an emergency nature, the incident report must include: (a) the nature of the emergency, (b) what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from happening if there were signs that this kind of an emergency was likely to happen, (c) a detailed description of the nature of the restraint or seclusion, (d) how long the child remained in seclusion and (e) what effect being in seclusion had on the child's medical or behavioral support or educational plan.
23. The school district must record each instance of the use of physical restraint or seclusion and the nature of the emergency that necessitated its use and include this information in an annual compilation on the district's use of restraint and seclusion.
24. Where seclusion is used as a behavior intervention, the incident report must provide a detailed description of the nature of the seclusion, how long the child remained in seclusion and what effect being in seclusion had on the child's medical or behavioral support or educational plan.

How will I be notified if restraint or seclusion is used with my child?

25. The school district must attempt to notify you on the day of or within twenty-four hours after the emergency use of physical restraint or seclusion. This notification may be made by phone, e-mail or other method of communication which may include sending a note home with the child. You must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.
26. If seclusion is included in your child's IEP as a behavior intervention, you and the PPT determine a timeframe and manner of notification of each incident of seclusion. This information is to be included in your child's IEP.

Where can I find a copy of the State Statutes and Regulations Discussed in this Notification ?

The state statutes addressing the use of physical restraint or seclusion in the public schools are found in Section 10-76d(a)(8)(B) and Sections 46a-150 to 46a-154, inclusive of the Connecticut General Statutes. The state regulations are Sections 10-76b-5 to 10-76b-11, inclusive. The state statute concerning the responsibility of boards of education to maintain a safe school setting may be found in Section 10-720 of the statutes and, the state statute concerning the use of reasonable physical force may be found in Section 53a-18 of the general statutes.

You may find the state statutes on the [www.cga.ct.gov/Legislative](http://www.cga.ct.gov/Legislative) website. Once on the website, place the cursor on the "Statutes" link. Move the cursor down to "Browse Statutes" and click on it. You will see the statutes listed by Title, for Section 10-76d, look in Title 10; for Sections 46a-150 to 46a-154, look in Title 46a and for Section 53a-18, look in Title 53.

A copy of the state regulations is available from the State Department of Education.

You may obtain a copy of the school district's written policies and procedures about the use of physical restraint or seclusion from the Office of Student Affairs and Special Services. Any questions regarding this document, please feel free to contact Laura Olson, Director of Special Services, 860-334-2654, for further explanations.

You may also contact the State Department of Education for further explanations of this document. Contact the Bureau of Special Education in Hartford at (860) 713-6910.

Release date September 15, 2009

**New Milford Board of Education  
Policy Sub-Committee Minutes  
March 19, 2013  
Lillis Administration Building, Room 2**

GEORGE C. DUCKBEE  
TOWN CLERK

2013 MAR 21 A 9:07

NEW MILFORD, CT

Present: Mrs. Wendy Faulenbach  
Mr. David A. Lawson  
Mrs. Daniele Shook  
Mr. Thomas McSherry, alternate

Absent: Mr. David R. Shaffer

Also Present: Dr. JeanAnn C. Paddyfote, Superintendent of Schools  
Mr. Joshua Smith, Assistant Superintendent of Schools  
Ms. Ellamae Baldelli, Director of Human Resources  
Mrs. Laura Olson, Director of Pupil Personnel and Special Services

<b>1.</b>	<b>Call to Order</b> The meeting of the New Milford Board of Education Policy Sub-Committee was called to order at 6:45 p.m. by Mrs. Faulenbach acting as chairperson. Mrs. Faulenbach welcomed Mr. McSherry who was seated as an alternate in the absence of Mr. Shaffer.	<b>Call to Order</b>
<b>2.</b>	<b>Public Comment</b> <ul style="list-style-type: none"><li>• None</li></ul>	<b>Public Comment</b>
<b>3.</b>	<b>Discussion and Possible Action</b>	<b>Discussion and Possible Action</b>
<b>A.</b>	<b>Policies Recommended for Revision:</b>	<b>A. Policies Recommended for Revision:</b>
<b>1.</b>	<b>Policy 5114 Removal/Suspension/Expulsion</b> <ul style="list-style-type: none"><li>• Mrs. Faulenbach noted that recommended changes were to Section III.</li></ul>	<b>1. Policy 5114 Removal/Suspension/Expulsion</b>
<b>2.</b>	<b>Policy 5141.27 First Aid/Emergency Medical Care</b> <ul style="list-style-type: none"><li>• Mr. McSherry asked what the intent was to the recommended clarification. Dr. Paddyfote stated it was to clarify the expectation of when AED trained personnel would be present for events.</li><li>• Mrs. Shook asked if the AED could be used in an emergency if trained personnel were not provided and Dr. Paddyfote said yes, it would</li></ul>	<b>2. Policy 5141.27 First Aid/Emergency Medical Care</b>



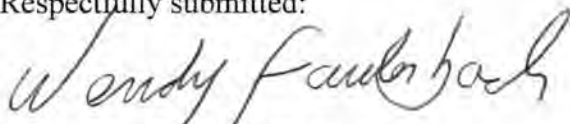
	be available for use.	
<b>3. Policy 5144 Discipline</b>	<ul style="list-style-type: none"> <li>Mr. McSherry asked why the policy provides a broad definition of discipline only. Dr. Paddyfote said it was kept broad so as not to unintentionally undermine anything in the expulsion policy.</li> </ul>	<b>3. Policy 5144 Discipline</b>
<b>4. Policy 5145.111 Students/Probation/Police/Courts</b>	<ul style="list-style-type: none"> <li>Mrs. Faulenbach noted the revision related to statute.</li> <li>Mr. McSherry asked for clarification regarding next school day. Dr. Paddyfote said this would be the next school day after administration becomes aware of the event.</li> </ul>	<b>4. Policy 5145.111 Students/Probation/Police/Courts</b>
<b>5. Policy 5145.12 Student Search and Seizure</b>	<ul style="list-style-type: none"> <li>Mrs. Faulenbach noted these revisions were suggested by attorney not statute.</li> <li>Dr. Paddyfote said the suggestions clarify what people can and should do.</li> <li>Mr. McSherry questioned the spelling of Safford on page 5145.12(c). Dr. Paddyfote said she would check.</li> <li>Mr. Lawson said he would like to see school personnel more clearly defined regarding the seizing of student property. Dr. Paddyfote said she would discuss it further with the attorney.</li> </ul>	<b>5. Policy 5145.12 Student Search and Seizure</b>
<b>6. Policy 5145.122 Use of Dogs to Search School Property</b>	<ul style="list-style-type: none"> <li>Dr. Paddyfote said the suggested revision mirrors the previous policy discussed.</li> <li>Mrs. Faulenbach noted that vehicles are addressed in both policies.</li> </ul>	<b>6. Policy 5145.122 Use of Dogs to Search School Property</b>
<b>7. Policy 5145.14 Students on Campus Recruitment</b>	<ul style="list-style-type: none"> <li>Dr. Paddyfote said this revision states the statutory regulation which has been in effect.</li> </ul>	<b>7. Policy 5145.14 Students on Campus Recruitment</b>



	<p>Parents can opt out through the annual notification process.</p> <p><b>8. Policy 5157 Use of Physical Force and Seclusion</b></p> <ul style="list-style-type: none"> <li>• Mrs. Faulenbach noted some changes are due to law, others for organizational improvement.</li> <li>• Mr. McSherry said he found the policy very repetitive. Dr. Paddyfote said the repetition is designed to make sure the policy is extremely clear.</li> </ul> <p><b>9. Policy 6146 Graduation Requirements</b></p> <ul style="list-style-type: none"> <li>• Mrs. Faulenbach noted the revision was to number of credits and graduation requirements.</li> <li>• Dr. Paddyfote said this had been reviewed by attorney. Mr. Smith and Mr. Shugrue would present at the Committee on Learning meeting following this one but it needed to be addressed at Policy as well.</li> <li>• Mrs. Shook noted an issue with formatting: V2 should be 0.5. Mr. Smith said he would have it corrected.</li> <li>• Mr. Lawson said he was not ready to recommend this policy in its present form because it did not include a requirement for economics or personal finance.</li> <li>• Mrs. Faulenbach said this was just the start of the process that would allow the policies to go forward for Board review and further discussion.</li> <li>• Dr. Paddyfote said change to the requirements can only happen after the policy change occurs. Recommendations are starting at this meeting so that policies can go through first and second review and approval at the June meeting, allowing change to be in place for the next school year.</li> </ul> <p>Mrs. Shook moved to bring Policies 5114, 5141.27, 5144, 5145.111, 5145.12, 5145.122, 5145.14, 5157 and 6146 to the full Board for first review. Motion seconded by Mr. McSherry.</p>	<p><b>8. Policy 5157 Use of Physical Force and Seclusion</b></p> <p><b>9. Policy 6146 Graduation Requirements</b></p> <p><b>Motion made and passed to bring Policies 5114, 5141.27, 5144, 5145.111, 5145.12, 5145.122, 5145.14, 5157 and 6146 to the full Board for first review.</b></p>
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	<p>Motion passed 3-1.</p> <p>Aye: Mrs. Faulenbach, Mr. McSherry, Mrs. Shook  No: Mr. Lawson</p> <p><b>B. Policy Recommended for Deletion:</b></p> <p><b>1. Policy 5145 Civil and Legal Rights and Responsibilities</b></p> <ul style="list-style-type: none"> <li>There were no questions regarding the deletion.</li> <li>Dr. Paddyfote said this would hold for deletion until the 5000 series review was completed.</li> </ul>	<p><b>B. Policy Recommended for Deletion:</b></p> <p><b>1. Policy 5145 Civil and Legal Rights and Responsibilities</b></p>
<p><b>4.</b></p> <p><b>A.</b></p>	<p><b>Items of Information</b></p> <p><b>Regulation Revisions:</b></p> <ul style="list-style-type: none"> <li>Mrs. Faulenbach stated that the Board does not approve regulations so these revisions are given as items of information only.</li> </ul> <p><b>1. Regulation 4152.6 Family and Medical Leaves</b></p> <ul style="list-style-type: none"> <li>There were no questions.</li> </ul> <p><b>2. Regulation 5157 Use of Physical Force and Seclusions: Procedures</b></p> <ul style="list-style-type: none"> <li>There were no questions.</li> </ul>	<p><b>Items of Information</b></p> <p><b>Regulation Revisions:</b></p> <p><b>1. Regulation 4152.6 Family and Medical Leaves</b></p> <p><b>2. Regulation 5157 Use of Physical Force and Seclusions: Procedures</b></p>
<b>5.</b>	<p><b>Adjourn</b></p> <p>Mr. McSherry moved to adjourn the meeting at 7:10 p.m. seconded by Mrs. Shook and passed unanimously.</p>	<p><b>Adjourn</b></p> <p><b>Motion made and passed unanimously to adjourn the meeting at 7:10 p.m.</b></p>

Respectfully submitted:



Wendy Faulenbach, Chairperson  
Board of Education