

NEW MILFORD BOARD OF EDUCATION

**New Milford Public Schools
50 East Street
New Milford, Connecticut 06776
(860) 355-8406**

**POLICY SUB-COMMITTEE
MEETING NOTICE**

DATE: September 15, 2009
TIME: 6:30 P.M.
PLACE: Lillis Administration Building, Rm. 2

GEORGE C. BUCHHEE
TOWN CLERK

2009 SEP 11 P 23

NEW MILFORD, CT

AGENDA

- 1. Call to Order**
- 2. Public Comment**
The Board welcomes Public Participation and asks that speakers please limit their comments to 3 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. Policy 3524.1 Hazardous Materials in Schools
 - B. Policy 5141.4 Child Abuse/Neglect
 - C. Policy 5141.21 Administering Medication to Students
 - D. Policy 6114.1 Fire and Crisis Response Drills
 - E. Policy 5141.27 First Aid/Emergency Medical Care
 - F. Policy 4152.6 Personal, Family and Medical Leave
 - G. Policy 6142.2 Student Nutrition and Physical Activity (Student Wellness)
 - H. Policy 5141.25 Students with Special Health Care Needs
- 4. Items of Information**
 - A. Regulation 4152.6 Family and Medical Leaves
 - B. Regulation 5125 Student Education Records: Access, Confidentiality, and Amendment
- 5. Adjourn**

Sub-Committee Members: Mrs. Amy Llerena, Chair
Mrs. Alexandra Thomas
Mr. David A. Lawson
Mr. William Wellman

Alternates: Mrs. Wendy Faulenbach
Mrs. Elizabeth Finney

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms, that interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff and all others using district buildings and grounds.

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

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

The school district shall incorporate Integrated Pest Management procedures (IPM) to manage structural and landscape pests and the toxic chemicals for their control in order to alleviate pest problems with the least possible hazard to people, property and the environment. In addition, ***staff and parents or guardians of students and the public shall be educated-given notice***, at least annually, ~~about the potential school pest problems and~~ ***of*** the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is ~~the coordinated use of the pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard.~~ ***use of all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the unnecessary use of pesticides. It is a plan consistent with an applicable model plan provided by the Commissioner of Environmental Protection pursuant to Connecticut state law.***

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (cont'd.)

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

Consistent with state law, no person, other than a pesticide applicator with supervisory certification under Connecticut General Statutes § 22a-54 or a pesticide applicator with operational certification under § 22a-54 under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school. This section shall not apply in the case of an emergency application of pesticide to eliminate an immediate threat to human health where it is impractical to obtain the services of any such applicator provided such emergency application does not involve a restricted use pesticide.

No person shall apply a lawn care pesticide on the grounds of any preschool or school with students in grade eight or lower, except that an emergency application of a lawn care pesticide may be made to eliminate a threat to human health, as determined by the local health director, the Commissioner of Public Health, the Commissioner of Environmental Protection or the Superintendent of Schools. [NOTE: Until July 1, 2010, an application of a lawn care pesticide may be made at a school with students in grade eight or lower on playing fields or playgrounds if the IPM is consistent with the model pest control management plan developed by the Commissioner of Environmental Protection pursuant to section 22a-661 and is a plan developed for all schools in the district. If these conditions exist, you may want to start this paragraph with the phrase, "Beginning July 1, 2010,".]

All district employees who use chemicals to control a pest problem must be trained and shall follow all precautions and application regulations. The District will only employ certified pesticide applicators for any necessary and non-emergency pesticide use in school building or on school grounds. Contractors hired to do this work shall give evidence of appropriate training and

certification in the proper use of pesticides. Pest control contractors shall be utilized, when deemed necessary, to inspect for conditions conducive to pest problems and to develop

3524.1(c)

Business/Non-Instructional Operations

Hazardous Material in Schools

Pest Management /Pesticide Application (continued)

appropriate prevention measures. Pest control contractors will be expected to write recommendations for structural improvements or repairs and housekeeping and sanitation measures required to reduce or prevent recurrence of pest problems. ~~No person other than a pesticide applicator with proper certification may apply pesticide within any school building or on the grounds of that school, unless 1) there is an emergency application to eliminate an immediate threat to human health, 2) it is impractical to obtain the services of any such applicator with proper certification, and 3) such emergency application does not involve a “restricted use” pesticide, as defined by State law.~~

Whenever it is deemed necessary to use a chemical substance, that school must provide notification to all parents and staff who have registered for advanced notification in conformity with state statutes. Parents/guardians and staff requesting advanced notification must be notified on the day of such use by any method practicable. Except for emergency applications, notices shall also be posted in designated areas at school at least forty-eight (48) hours prior to the application. The notice shall include 1) the name of the active ingredient of the pesticide being applied to the target/pest; 2) the target pest; 3) the location of the application on the school property; 4) the date of the application; and 5) the name of the school administrator or designee who may be contacted for further information.

At the beginning of each school year and at the time a student is registered, parents/guardians shall be informed of the District’s pest management policy. Those parents/guardians and staff who register a request shall be notified prior to every pesticide application. Notice of any modification of the pesticide application policy shall also be sent to any person who registers for this notice.

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

Pesticide applications shall be limited to non-school hours and when activities are not taking place, except that an emergency application of a lawn care pesticide may be made to eliminate a threat to human health, as determined by the Superintendent.

Business/Non-Instructional Operations

Hazardous Material in Schools

Legal Reference: Connecticut General Statutes

22a-46. Short title: Connecticut Pesticide Control Act.

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

22a-58. Records to be kept by distributors and applicators.

23-61b. Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

§10-231a Pesticide application at schools - definitions

§10-231b Pesticide application at schools – authorized applicators exception

§10-231c Pesticide applications at schools without an integrated pest management plan

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

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Students

Child Abuse/Neglect

Reporting of Suspected Child Abuse/Neglect

The board of education recognizes that a student's mental and physical health will have an affect on the student's ability to obtain the most benefit from attending school. In order to increase the student's ability to learn while in school, the Board of Education realizes the importance of identifying students who may be suffering from abuse, neglect or placed in imminent danger of serious harm. Pursuant to state law, when any *superintendent*, school nurse, psychologist, physical therapist, teacher, administrator, guidance counselor, paraprofessional, social worker, or coach of intramural or interscholastic athletics has reasonable cause to suspect or believe that a child under the age of 18 has been abused or neglected or has been placed in imminent risk of serious harms, he/she shall as soon as practicable but not later than twelve (12) hours make an oral report by telephone or in person to the Department of Children and Families (DCF), or a law enforcement agency. The Superintendent of Schools or his/her designee and the building principal shall be notified immediately after the oral report has been made. The Superintendent or building principal shall not be notified if he/she is the alleged perpetrator of abuse and neglect.

Reports of abuse or neglect by the above-mentioned personnel ("mandated reporters") shall include the following information, if known:

1. the names and addresses of the child and his/her parents or other person responsible for the child's care;
2. the age of the child;
3. the gender of the child;
4. the nature and extent of the child's injury or injuries, maltreatment or neglect;
5. the approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. information concerning any previous injuries to, maltreatment of or neglect to the child or his/her siblings;
7. the circumstances in which the injuries, maltreatment or neglect came to be known to the mandatory reporter;
8. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
9. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

The mandated reporter shall submit a written report to DCF containing the above-mentioned information within 48 hours of making the oral report. The reporter shall also submit a copy of the written report to the

Students

Child Abuse/Neglect

Reporting of Suspected Child Abuse/Neglect (continued)

Superintendent of Schools, except when the Superintendent is the alleged perpetrator of abuse. If the report concerns abuse or neglect by a school employee, the Superintendent shall immediately notify the child's parent or other person responsible for the child's care that a report of abuse or neglect has been made; if the report concerns abuse or neglect by a certified school employee, the Superintendent shall send a copy of the written report to the Commissioner of Education. In making all written reports required under this policy, the reporter may use the "DCF-136" form.

Reports under this policy should be made where a mandated reporter in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen

1. has been abused in one or more of the following ways:
 - a. has had physical injury or injuries inflicted upon him/her other than by accidental means, or
 - b. has injuries which are at variance with the history given of them, or
 - c. is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;
2. has been neglected in one or more of the following ways:
 - a. has been abandoned;
 - b. is being denied proper care and attention, physically, educationally, emotionally, or morally;
 - c. is being permitted to live under conditions, circumstances, or associations injurious to the child's well-being;
3. has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or
4. is placed at imminent risk of serious harm.

When an investigation by DCF has determined that there is reasonable cause to believe that a child has been abused by a school employee who holds a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall suspend such employee with pay and without termination of benefits, and shall notify the Board of Education and the Commissioner of Education

Students

Child Abuse/Neglect

Reporting of Suspected Child Abuse/Neglect (continued)

or his representative of the reasons for and conditions of the suspension within seventy-two (72) hours after the suspension. The Superintendent shall also disclose those records provided by DCF concerning its investigation to the Commissioner of Education and the Board of Education or its attorney. If the contract of employment of such a certified school employee is terminated as the result of an investigation of abuse, the superintendent shall notify the Commissioner of Education or his representative within seventy-two (72) hours after such termination.

The Superintendent is authorized to delegate his or her responsibilities for receiving and making reports, notifying and receiving notification, and conducting investigations to a designee acting in his or her behalf. Under state law, the Superintendent of Schools is authorized to receive notice from the State's Attorney of convictions of certified school employees for crimes involving an act of child abuse or neglect or sexual assault.

Penalty

Under state law, any person who is required to report suspected child abuse/neglect and fails to make such a report shall be fined not less than \$500.00 nor more than \$2,500.00, and shall be required to participate in an educational and training program established by DCF, the cost of which shall be paid by the participating mandatory reporter. Under state law, any person who knowingly makes a false report of child abuse or neglect shall be fined no more than \$2,000.00 or imprisoned not more than one year or both.

Legal Risk

Under state law, any person who in good faith makes or in good faith does not make a report of suspected child abuse/neglect is immune from any civil or criminal liability. Neither the Board nor anyone employed by the Board shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a report pursuant to Sections 17a-101a through 17a-101d, inclusive, and Section 17a-103 of the Connecticut General Statutes, or who testifies or is about to testify in any proceeding involving child abuse or neglect

Emergency Health Care and Reasonable Inquiry

When reasonable cause to suspect or believe that a child has been abused or neglected, or is placed in serious risk of imminent harm, or when a child has a visible injury, public school personnel may make reasonable inquiry of the child regarding such suspicion or visible injury.

If a school nurse or school medical advisor is not readily available and the rendering of emergency first aid is necessary, other public school personnel who have completed a course in first aid offered by the American Red Cross, the American Heart Association, or the Connecticut Department of Health Services may render

Students

Child Abuse/Neglect

Emergency Health Care and Reasonable Inquiry (continued)

such emergency first aid to a child. In accordance with state law, any person providing such aid is not liable for civil damages for any personal injuries which result from acts or omissions by such person rendering the emergency first aid, which constitute ordinary negligence. The immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Interviewing the Child

Public school personnel who believe that an interview in the school setting may be necessary in order to protect the child must notify DCF as early in the day as possible to provide both DCF and the school administration ample time to coordinate appropriate activities and actions. Upon receipt of such notice, DCF will advise school personnel whether the child must be interviewed in the school. If school personnel then retain the child after the scheduled school day in order to ensure an interview by DCF or local or state police, school personnel must attempt to notify the parents of the child, except where the alleged abuse involves the parents.

Preparation for the Interview

If DCF determines that a school interview is appropriate, the DCF social worker shall be required to notify the Superintendent of Schools prior to the school visit with as much advance notice as possible. The DCF social worker shall provide the Superintendent of Schools with a DCF identification. If the DCF social worker is not known to school personnel, a verifying call to the local DCF office shall be made. If deemed appropriate by DCF or the administration, the parent or guardian of the child will be notified prior to the interview. DCF personnel are solely responsible for scheduling such interviews. If the DCF social worker does not arrive as scheduled and school personnel decide that the retention of the child beyond the school day is necessary to protect the child's physical well-being, school personnel must attempt to notify the parents of the child that the child will be late, except where the alleged abuse involves the parents.

The Interview

To ensure confidential communication, the school administration shall provide a private place to interview the child. As part of the investigative process, the DCF social worker may request that school personnel be present during the interview. The investigation is to be conducted solely by the DCF social worker.

The removal of clothing as part of an investigation into an injury which may have been caused by child abuse shall be done only at the request of the school medical advisor or the school nurse. Neither school nurse nor a school doctor may remove or insist that a child remove clothing to confirm suspected abuse or neglect, except in those circumstances where there is a need of emergency medical treatment.

Legal Reference: §17a-101 *et seq.* of the Connecticut General Statutes

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

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

This policy was completely re-written and replaces the existing policy.

5141.21(a)

Students

Administration of Medication

The Board of Education permits to students to self-administer medication and school personnel to administer medication to students only in accordance with law and established procedures within the school district.

A school nurse may administer medication to any student pursuant to the written order of an authorized prescriber (duly licensed physician, dentist, physician's assistant, advanced practice registered nurse, or optometrist) and the written authorization of a parent or guardian of such child. In the absence of a school nurse, certain school personnel (principals, teachers, licensed athletic trainers, licensed physical or occupational therapists employed by a school district, coaches of intramural and interscholastic athletics, certain paraprofessionals and directors of school readiness programs and any other category permitted by law) may administer medication to a student provided that such member of the school staff has successfully completed specific training in the administration of medication.

The Superintendent of Schools, with the advice and assistance of the school medical advisor and the school nurse supervisor shall develop administrative regulations to implement this policy in a manner consistent with state law and regulation. The administrative regulations shall be approved by the school medical advisor or other qualified licensed physician.

Nothing in this policy prohibits parents or guardians from administering medication to their children on school grounds.

This policy and regulation shall be reviewed biennially. No revisions of the regulations shall be effective without further approval by the medical advisor or other qualified licensed physician.

Legal Reference: Connecticut General Statutes

10-212 School nurses and nurse practitioners. Administration of medications by parents or guardians on school grounds.

10-212a Administration of medications in schools, at athletic events and to children in school readiness programs.

Regulations of Connecticut State Agencies

10-212a-1 to 10-2121a-7, Administration of medicines by school personnel.

Students

Administration of Medications (continued)

Policy adopted: June 12, 2001
Policy revised: June 11, 2002
Policy revised: August 26, 2003
Policy revised: June 24, 2004
Policy revised: September 14, 2004
Policy reviewed: June 12, 2007
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Instruction

~~Fire Emergency (Drills)~~ *Fire and Crisis Response Drills*

A fire drill shall be held *in each school within thirty days of the start of each school year. Thereafter, fire drills shall be held* at least once a month ~~in each school building~~ *except that* A a crisis response drill ~~may~~ *shall* be substituted for one of the required monthly school fire drills every three months. Each Building Principal shall prepare a definite fire emergency plan, and furnish to all teachers and students information as to route and manner of exit. Fire drills shall be planned in such a way as to accomplish the evacuation of school buildings in the shortest possible time and in the most efficient and orderly fashion.

The Superintendent of Schools shall develop the format of crisis response drills in consultation with the appropriate local law enforcement agency. The Superintendent may invite a representative of such agency to help supervise and participate in any such crisis response drill.

Principals shall keep a record of all fire and crisis response drills held in their schools, stating the date the drill was held and the time required for evacuation of the building. They shall furnish such reports to the Superintendent or his designate as may from time to time be required.

Legal Reference: Connecticut General Statutes

10-231 Fire drills. *Crisis response drills.* (as amended by PA-00-220)-09-131)

Policy adopted: June 10, 2003
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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 ~~trained personnel on school property~~ ***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 District's continued use of AEDs and training of personnel is subject to available federal, state or private funding.***

By July 1, 2010, 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").

~~The Superintendent or his/her designee shall notify the State Office of Emergency Medical Services of automatic external defibrillators in its possession.~~

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.

Students

First Aid/Emergency Medical Care

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

10-221 Boards of education to prescribe rules.

52-557b "Good Samaritan law."

P.A. 09-94 "An Act Concerning the Availability of Automatic External Defibrillators in Schools."

~~19a-197b Training Standards for the use of Automated~~

~~—External Defibrillators~~

~~19a-197 Automated External Defibrillators~~

Policy adopted: May 9, 2006
Policy reviewed: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR
REVISION**

**4152.6
4252.6**

PERSONNEL CERTIFIED/NON-CERTIFIED

Personal, Family and Medical Leave

Family and Medical leaves are provided by the Board as required by the federal Medical Leave Act of 1993, as amended (FMLA). This policy and the corresponding regulations 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, ~~and the National Defense Authorization Act for Fiscal Year 2008 with respect to leave in connection with a family member serving in the Armed Forces.~~

Employees should contact the Superintendent's Office if they have any questions regarding how the Board's FMLA policy and regulations apply to their situation, when and how they may take leave, or any other question regarding family, medical or pregnancy-related disability.

Legal References:

Connecticut General Statutes
§46a-60 (7) (Connecticut Fair Employment Practices Act)

29 U.S.C. §2601 *et. seq.* (Family and Medical Leave Act of 1993)
~~38 U.S.C. §§4301-4333 (Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA))~~
29 C.F.R. §825 *et. seq.* (Family and Medical Leave Act Regulations)
~~C.G.S. §§46a-51(17) and 46a-60(a)(7) (Pregnancy Discrimination)~~
~~P.L. 110-181, §585(a) (National Defense Authorization Act for Fiscal Year 2008)~~

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised: November 18, 2008
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Instruction

Student Nutrition and Physical Activity (Student Wellness)

The New Milford Board of Education shall use a coordinated school health model in order to make wellness a cornerstone of our educational program. This well-rounded approach to school health connects the various components of health education, physical education, nutrition services, health promotion activities for staff, school health services, counseling and psychological support services, a safe and healthy school environment, and parent and community involvement. The teamwork that is inherent in this comprehensive model is intended to build momentum toward a program that supports positive dietary and lifestyle practices that are essential for students to achieve their academic potential, full physical and mental growth and lifelong health and well-being.

The entire school environment, not just the classroom, shall be aligned with healthy school goals to positively influence the student's understanding, beliefs and habits as they relate to good nutrition and regular physical activity.

Guiding Principles:

- ~~• The school district will establish a district *Wellness Advisory Council* to engage students, parents, teachers, food service professionals, health professionals, and other community members in developing, implementing, monitoring, reviewing, and reporting on district-wide nutrition and physical activity policies. A report of their activities will be made annually to the Board of Education or to a pertinent subcommittee thereof.~~
- ~~The *Wellness Advisory Council* will create a plan that cultivates support within the schools and the community, encourages community collaborative efforts, and promotes awareness of the importance of student, staff and community health and wellness.~~
- *The Board of Education delegates the responsibility for developing, implementing, monitoring, reviewing and revising the school district's wellness policy guidelines (administrative regulations) to a Wellness Advisory Council comprised of the following members: parents, students, school food service personnel, members of the board of education, administrators, the public, school nurse, physical education teacher, health education teacher and any other person that the team wishes to invite to help achieve its goals.*
- *The Wellness Advisory Council will create a wellness plan that addresses nutrition education, physical education and physical activity, school meals, beverages and other food, communication and promotion and measurement and evaluation of the plan.*

Instruction

Student Nutrition and Physical Activity (Student Wellness) cont'd.

- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a daily basis.
- Curriculum:
 - The physical education program shall be a standards-based, sequential physical education curriculum taught in grades K-12 by qualified physical education teachers. A key component of this program is to teach students how to achieve and maintain a healthy level of personal fitness.
 - Nutrition education shall be offered in grades K-12 as part of a planned, sequential, standards-based comprehensive health education program taught by highly qualified teachers.
- Foods and beverages sold or served under school auspices during the instructional school day will meet or exceed the nutrition recommendations of the *USDA Dietary Guidelines for Americans*.
- The District shall provide meals that follow the USDA requirements for Federal School Meal Programs under 7CFR Part 210 and 220.
- Highly qualified nutrition professionals will administer the school meal programs, and will provide affordable, nutrient-dense foods. Guidelines for age-appropriate portion size and maximum amount of fat, sodium, sugar and other additives in foods served and sold will be established and reviewed according to current scientific and medical research.
- Meals will be served in a relaxed, enjoyable climate, with adequate clean, safe space for eating.
- ***School menus shall be planned in order to meet or exceed state and national nutritional standards. Nutritious and healthy foods, such as fresh or dried fruits, vegetables, low-fat dairy foods, whole grains, and 100% natural fruit and vegetable juices and water, shall be made available wherever food is sold in the District.***
- ***Healthy foods and beverages shall be encouraged at school sponsored activities, such as fundraisers, parties and sporting events. In addition, the District will only permit those foods and beverages that are permitted under state law (in particular, Connecticut General Statutes §§ 10-221p and 10-221q and the guidelines established by the State Department of Education) to be sold to students.***
- The district highly values the health and well-being of every staff member and shall plan and implement activities and policies that support personal efforts by staff members to maintain a healthy lifestyle and that encourage staff members to serve as role models.
- Measurement and evaluation:
 - Establish a baseline of school wellness in each school by conducting a self-assessment using standard instruments.

Instruction

Student Nutrition and Physical Activity (Student Wellness) cont'd.

- Assign school-based leadership and responsibility in each site to monitor compliance to achieve policy goals.
- The Superintendent and/or his/her designee will ensure compliance with the policy and its regulations.

Legal Reference: ~~42 U.S.C. Section §1788~~
~~National School Lunch Act 7 CFR Part 210 & 220~~

42 USCA 1751, Richard B. Russell National School Lunch Act (as amended by the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, Section 204).

Connecticut General Statutes:

10-215e Nutrition standards for food that is not part of lunch or breakfast program

10-215f Certification that food meets nutrition standards

10-221o Lunch periods and recess

10-221p Boards to make available for purchase nutritious and low-fat foods

10-221q Sale of beverages

Action Guide for School Nutrition and Physical Activity Policies, Connecticut State Department of Education, (Revised April 2009)

Policy Adopted: June 13, 2006
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR
REVISION**

5141.25(a)

Students

Students with Special Health Care Needs

Accommodating Students with Special Dietary Needs

The Board of Education believes all students, through necessary accommodations where required, shall have the opportunity to participate fully in all school programs and activities.

In some cases, a student's disability may prevent him/her from eating meals prepared for the general school population.

Substitutions to the regular meal will be made for students who are unable to eat school meals because of their disabilities, when that need is certified in writing by a physician. Meal service shall be provided in the most integrated setting appropriate to the needs of the disabled student.

The nature of the student's disability, the reason the disability prevents the student from eating the regular school meals, including foods to be omitted from the student's diet, indication of the major life activity affected by the disability, the specific diet prescription along with the substitution(s) needed will be specifically described in a statement signed by a licensed physician. The district, in compliance with USDA Child Nutrition Division guidelines, will provide substitute meals to food-allergic students based upon the physician's signed statement.

~~The Board recognizes that students with documented life-threatening food allergies that substantially limit a major life activity may be considered disabled and may be eligible for accommodations pursuant to Section 504 of The Rehabilitation Act. In lieu of such eligibility, students may be provided with an Individualized Medical Plan.~~

~~All schools are also responsible for developing and implementing guidelines for the care of food allergic students. Such guidelines shall include, but not be limited to, staff development, strategies for identifying students at risk for life-threatening allergic reactions, means to manage the student's allergy including avoidance measures, designation of typical symptoms and dosing instructions for medications.~~

Management of Life Threatening Food Allergies

The New Milford Board of Education recognizes the importance of developing and implementing a plan for the management of food allergies in the student population. This plan must provide a balance between the health, social normalcy and safety needs of students with life-threatening food allergies and the educational, health and safety needs of all students.

Food Allergy Management Team

The Board of Education delegates the responsibility for developing, implementing, monitoring, reviewing and revising the school district's Guidelines for Food Allergy Management to a multidisciplinary food

Students

Management of Life Threatening Food Allergies (continued)

allergy management team. The district's wellness advisory council is the designated food allergy management team and should include the following members: Superintendent or designee, building administrator, medical advisor or designee, school nurse, director of pupil personnel and special services, food and nutrition services director, teacher representative, parent representative, student representative, transportation coordinator, supervisor of custodial staff, other school personnel or community representatives as appropriate.

Guidelines established by the food allergy management team shall address the following areas:

- 1. The process for identifying students with life-threatening food allergies including provisions for parents/guardians to provide adequate medical documentation*
- 2. The process for developing individual health care plans for students with life-threatening allergies consistent with applicable state and federal law*
- 3. Strategies to reduce the risk of exposure to life-threatening food allergens in school buildings*
- 4. Provisions for the ongoing education of school personnel and the school community regarding the management of life-threatening food allergies*
- 5. Emergency medical response plan including communication strategies between individual schools and local providers of emergency services*
- 6. A method for monitoring and assessing of the food allergy management plan on at least an annual basis.*

The Guidelines for Food Allergy Management shall be posted on the Board's website or the website of each school under the Board's jurisdiction. Parents and guardians shall be provided notice of the District's food allergy management plan annually, at the beginning of each school year in conjunction with the provision of the written statement of the Board's pesticide application policy.

Legal References:

Connecticut General Statutes

10-15b Access of parent or guardian to student's records

10-154a Professional communications between teacher or nurse and student

10-207 Duties of medical advisors

10-212a Administrations of medications in schools

10-212c Life threatening food allergies: Guidelines; district plans

10-220i Transportation of students carrying cartridge injectors

20 U.S.C. 1232g, Family Education Rights and Privacy Act

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

20 U.S.C. 1400, Individuals with Disabilities Education Act

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

Students

~~Students with Special Health Care Needs~~

~~Accommodating Students with Special Dietary Needs~~

Legal Reference: ~~Connecticut General Statutes~~

~~10-15b Access of parent or guardian to student's records.~~

~~10-154a Professional communications between teacher or nurse and student.~~

~~10-207 Duties of medical advisors.~~

~~Section 504 of the Rehabilitation Act of 1973~~

~~Americans With Disabilities Act~~

~~FCS Instruction 783-2, Revision 2, Meal substitution for medical or other special dietary reasons.~~

~~"Individuals with Disabilities Act", 20 U.S.C. 1400, et seq.~~

~~Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. 706(7)(b)~~

~~"Americans with Disabilities Act"~~

(cf. 5141 - Student Health Services)

(cf. 5141.21 - Administering Medication)

(cf. 5141.23 - Students With Special Health Care Needs)

(cf. 5141.3 - Health Assessments)

(cf. 5145.4 - Nondiscrimination)

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

Policy revised:

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

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 active military service or call (or impending call) to active duty military service; 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.¹

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:

¹ 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.

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.

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 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.

Family and Medical Leaves

Designation Notice (continued)

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. ***[COMMENT: The previous sentence regarding when intermittent leave is not available should be amended if it is your current or desired practice to permit intermittent leave in such situations—federal regulations allow this type of intermittent leave only if the employer agrees.]***

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 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

Family and Medical Leaves

Intermittent Leave/Reduced Hours (continued)

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:

- *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.

Family and Medical Leaves

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

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 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.

Family and Medical Leaves

Medical Certification (continued)

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.

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.

Family and Medical Leaves

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 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.

Family and Medical Leaves

Pregnancy-related Leave and Transfer (continued)

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.

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.)
- Notice explaining employee FMLA rights and responsibilities must be included in applicable employee handbooks.² (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.

² This does not include collective bargaining agreements.

Family and Medical Leaves

Posting and Record-Keeping (continued)

- 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;
- 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

4152.6(k)
4252.6(k)

Family and Medical Leaves

Posting and Record-Keeping (continued)

Forms (continued)

- “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

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:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Students

Student Education Records; Access, Confidentiality, and Amendment

Definitions

As used in this regulation:

1. **“Education records”** Records directly related to a student which are collected, maintained or used by the District. It includes information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. The term does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Furthermore, this term does not include the records of a law enforcement unit of the District
2. **“Directory information”** means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.
- 3... **“Parent”** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student. The parents of such a student may continue to have access to education records or personally identifiable information without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.

Students

Student Education Records; Access, Confidentiality, and Amendment

Definitions (continued)

4. **“School official”** School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions as well as certain contractors, consultants, volunteers or other parties engaged to perform a special task or service for the District. Using this criteria, the term “school official” includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases.
5. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means except the party identified as the party that provided or created the record.
6. **“Personally identifiable information”** The term includes, but is not limited to: the student's name; name of the student's parent or other family members; address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics); other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
7. **“Access”** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
8. **“Student”** means a person who is or was enrolled in a school.

Students

Student Education Records; Access, Confidentiality, and Amendment

Definitions (continued)

9. **“Eligible student”** means a student who has attained eighteen (18) years or is attending an institution of post-secondary education.

Access to Education Records

1. Requests to review education records

- A. Parents have the right to inspect and review education records related to their children which are maintained by the district.
- B. A parent’s request for access to student records shall be made in writing to the custodian of student records. The District shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
- C. If the student who is the subject of the request receives special education, the District shall comply with a request of a parent or eligible student within ten (10) school days, or within three (3) school days if the request is in order to prepare for a meeting regarding an individualized education program or any due process proceeding.
- D. A requesting parent shall be notified of the location of all student records, if not centrally located.
- E. When a parent's dominant language is not English, the district shall make an effort to
 - (1) provide interpretation of the student record in the dominant language of the parent, or
 - (2) assist the parent in securing an interpreter.

2. Limitations

- A. If the education records of a student contain information on more than one student, the parents may only have access to the specific information about their child.

Students

Student Education Records; Access, Confidentiality, and Amendment

Access to Education Records (continued)

- B. Administrators, teachers and nurses are not required to disclose information concerning a student's alcohol or drug problem if the information was revealed during a communication made privately and in confidence by the student to the professional employee.
- C. Any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest shall not be copied. The parent may review and inspect such information at the location where the records are kept if the records have been retained (state law allows test protocols to be discarded at the discretion of the school administration). The District shall respond to reasonable requests from the parent for explanations and interpretations of the copyrighted material.
- D. If the education records include confidential HIV-related information (whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions), such information may not be released without a written authorization specifically allowing for the disclosure of confidential HIV-related information.

3. Fee for Reproducing Records

- A. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
- B. The custodian of student records annually shall recommend a fee schedule for approval by the Board of Education.
- C. No fee shall
 - (1) effectively prevent the parents or guardians from exercising their right to inspect and review student records.
 - (2) be charged for searching or retrieving a student's record.

Students

Student Education Records; Access, Confidentiality, and Amendment

Access to Education Records (continued)

- (3) be made for furnishing
 - (a) up to two transcripts of former student's records.
 - (b) up to two verifications of various records of former students.
- (4) be charged if the student who is the subject of the request receives special education and the parents have requested, in writing, the one free copy of those records that parents are entitled to by law.

Confidentiality of Education Records

1. Parental Consent Required

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed a signed and dated written consent specifying the records to be disclosed, the purpose of the disclosure and identifying the party or class of parties to whom the records may be disclosed; or (b) to the student if he/she is an eligible student or emancipated minor.
- B. The recipient must be notified that they may use the information only for the purposes for which the disclosure was made and that they are obligated to not disclose the information to any other party without the prior consent of the parent or eligible student.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed, subject to payment of appropriate fees

Students

Student Education Records; Access, Confidentiality, and Amendment

Confidentiality of Education Records (continued)

- E. The District uses reasonable methods to authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information from education records is disclosed. “Signed and dated written consent” may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent; and indicates such person's approval of the information contained in the electronic consent.

3. Exceptions to Requirement of Parental Consent

Federal law gives the District discretion to disclose personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. Among these exceptions are the following:

A. Parents of eligible students

The disclosure is to the parents of an eligible student who is a dependent as defined in section 152 of the Internal Revenue Code of 1986.

B. School officials who have a legitimate educational interest

The disclosure is to other school officials, including teachers who have legitimate educational interests. A legitimate educational interest exists where access to information in a student's education records is necessary for a school official to fulfill his or her professional responsibility. Examples of this include but are not limited to: the employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records; the employee has an administrative duty that requires information contained in the student's records; the school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion.

C. Directory Information

The disclosure is information deemed to be “directory information” by the District and the parent or eligible student has not refused disclosure of such directory information. The term “directory information” refers to information that would not generally be considered harmful or an invasion or privacy if disclosed.

Students

Student Education Records; Access, Confidentiality, and Amendment

Confidentiality of Education Records (continued)

(1) Definition of “directory information:”

The District considers the following categories to fall within the definition of directory information: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school previously attended.

(2) “Directory information” does NOT include either of the following: a student’s social security number; a student identification number that, by itself, may be used to gain access to education records.

(3) Annual notice of right to refuse disclosure of directory information:

On an annual basis, the school district shall provide parents and eligible students with notice of the right to refuse to let the District designate any or all of the above types of information about the student as directory information. The annual notice shall give the parent or eligible student two weeks to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(4) The custodian of records will use his/her discretion and exercise care when releasing directory information about students. The custodian may limit or deny the disclosure of specific categories of directory information based upon the best interests of students or the requirements of law.

D. Recruiters- Military and Colleges

The disclosure of name, address, and telephone listing is to recruiters and the parent or eligible student has not requested that prior written consent be obtained.

(1) Access to certain information:

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.

(2) Annual notice of right to refuse recruiter access to information:

Students

Student Education Records; Access, Confidentiality, and Amendment

Confidentiality of Education Records (continued)

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to recruiters without prior written consent. On an annual basis, the school district shall provide parents and eligible students with notice of the right to file such a request.

E. Student's new school

The District will forward education records to other agencies or institutions that have requested the records and in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. This includes the transfer of disciplinary records with respect to a suspension or expulsion.

F. Health or safety emergency

The school district may disclose personally identifiable information to appropriate parties (including the parents of an eligible student) if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making the decision to disclose information under this exception, the district must look at the totality of the circumstances. Disclosure is permitted where there is an articulable and significant threat to the health or safety of students, staff or other individuals. The disclosure should be limited to parties who need the information to address the emergency situation. The amount of information disclosed shall be narrowly tailored to the specific need and limited to the duration of the emergency. Disclosures for health and safety emergencies must be recorded in the student's education records (see "Management of Education Records," Section 4(D)(2) below).

G. Financial Aid

The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount or conditions for the aid or enforce the terms and conditions of the aid.

H. Organizations conducting studies

The disclosure is to organizations conducting studies for, or on behalf of the school district to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction as long as specific conditions are met as provided by law. This exception shall only apply when the District has entered into a written agreement with the organization as required by FERPA.

Students

Student Education Records; Access, Confidentiality, and Amendment

Confidentiality of Education Records (continued)

I. Certain federal and state officials

The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the U.S. Department of Education; or state and local educational authorities.

J. Criminal justice involvement or dangerousness

The disclosure is to state and local officials related to the juvenile justice system's ability to effectively serve the student whose records are released or about information received from state or local officials. This includes the following:

(1) Physical assaults upon school employees by students

School Principals shall report physical assaults made by a student upon a school employee to the local police when such assaults occur on school property or while the employee was in performance of school duties and the employee files a written report with the Principal.

(2) Students on probation

For students who are on probation, the school district may release information to the courts as long as officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

(3) Arrested students

When the Superintendent of Schools receives notice of a student's arrest from law enforcement authorities, the Superintendent may disclose such information to the Principal of the school that the student attends. The Superintendent shall maintain the written report of the arrest in a secure location. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.

Students

Student Education Records; Access, Confidentiality, and Amendment

Confidentiality of Education Records (continued)

(4) Potentially dangerous students

When the Superintendent of Schools receives notice from the Department of Children and Families regarding a student's potential dangerousness, the Superintendent shall notify the Principal of the school that the student attends. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.

(5) Registered sex offenders

The disclosure concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school district under 42 U.S.C. 14071 and applicable Federal guidelines.

4. Court Order or Subpoena

A. Information concerning a student shall be furnished in compliance with a court order or lawfully issued subpoena.

- (1) Unless the law requires otherwise (based upon the type of subpoena or specific order of the court), the school district must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action.
- (2) Only those records related to the specific purpose of the court order shall be disclosed.
- (3) The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photograph, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof.

Students

Student Education Records; Access, Confidentiality, and Amendment

Management of Education Records

1. Custodian of Records

- A. The Superintendent of Schools is hereby designated as custodian of student records. The address of the custodian is New Milford Board of Education, 50 East Street, New Milford, CT 06776-3099.
- (1) The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to student records and ensuring that District personnel who collect or use personally identifiable information are adequately informed of their responsibilities regarding the confidentiality of student records and information.
 - (2) The custodian shall be responsible for ensuring the confidentiality of education records and shall use reasonable methods to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages
 - (3) The custodian shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.
 - (4) The custodian shall maintain, for public inspection, a current listing of the positions of those employees within the agency who may have access to personally identifiable information.
 - (5) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.
- B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

2. Types of Records

Upon request, the District shall provide parents with a list of the types and locations of education records collected, maintained, or used by the agency. The school district shall maintain only the following three categories of records:

Students

Student Education Records; Access, Confidentiality, and Amendment

Management of Education Records (continued)

- A. Mandatory Permanent Student Records are those records which are maintained in perpetuity and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:
- (1) Legal name of student
 - (2) Date of birth
 - (3) Method of verification of birth date
 - (4) Sex of student
 - (5) Place of birth
 - (6) Name and address of parent of minor student
 - (a) Address of minor student if different than the above
 - (b) An annual verification of the name and address of the parent and the residence of the student
 - (7) Entering and leaving date of each school year and for any summer session or other extra session
 - (8) Subjects taken during each year, half-year, summer session, or quarter
 - (9) If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
 - (10) Verification or exemption from required immunizations
 - (11) Date of high school graduation or equivalent.
- B. Mandatory Interim Student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations, or authorized administrative directive. Such records include the following:
- (1) A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefore. (Exception from listing, see **Access Log**, (B))
 - (2) Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver.
 - (3). Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
 - (4) Language training records.

Students

Student Education Records; Access, Confidentiality, and Amendment

Management of Education Records (continued)

- (5) Progress slips and/or notices.
 - (6) Parental restrictions regarding access to directory information or related stipulations.
 - (7). Parent or adult student rejoinders to challenged records and to disciplinary action.
 - (8) Parental authorizations or prohibitions of student participation in specific programs.
 - (9) Results of standardized tests administered within the preceding three years.
- C. Permitted Records are those records having clear importance only to the current educational process of the student. Such records may include the following:
- (1) Objective counselor and/or teacher ratings
 - (2). Standardized test results older than three years
 - (3) Routine discipline data
 - (4) Verified reports of relevant behavioral patterns
 - (5) All disciplinary notices
- 3. Files**
- A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.
 - B. Student records shall be stored in locked containers or rooms.
- 4. Information**
- A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school Principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.
- 5. Access Log**
- A. The school district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Such access log shall be kept with the education records of the student.
 - B. Such log need not include the following: parents or students to whom access is granted; parties to whom directory information is released; parties for whom written consent has been executed by the parent or eligible student, school officials or employees having a legitimate educational interest and *some* types of subpoenas.

Students

Student Education Records; Access, Confidentiality, and Amendment

Management of Education Records (continued)

- C. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the Office of Education, an administrative head of an education agency as defined by law, and state educational authorities as a means of auditing the school system's operations.

- D. Information that must be documented in the access log
 - (1) For each request or disclosure this record must include the names of the parties requesting or receiving information from education records, the date access was given and the purpose the parties had in requesting or obtaining the information.
 - (2) In cases where personally identifiable information regarding a student has been disclosed due to a health or safety emergency, the record of the disclosure must include the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the names of the parties to whom the District disclosed the information.
 - (3) If the District discloses personally identifiable information to a party and authorizes the party to redisclose information on behalf of the District pursuant to 34 C.F.R. 99.33(b), the District shall record the names of the additional parties to which the receiving party may disclose the information and the legitimate interests under 34 C.F.R. 99.31 which the additional parties have in obtaining the information.

6. Transfer of Student Records

- A.. Whenever a student transfers to another Connecticut public school district, the following student records shall be forwarded upon written notification of the student's enrollment (or intent to enroll) from the other district:
 - (1) The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
 - (2) The student's entire Mandatory Interim Student Record.
 - (3) Disciplinary records with respect to suspension and expulsion.

Students

Student Education Records; Access, Confidentiality, and Amendment

Management of Education Records (continued)

- B. The student's records shall be transferred to the new school district no later than ten days after receipt of such notification.
- C. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
- D. Permitted student records may be forwarded.
- E. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
- F. All student records shall be updated prior to transfer.
- G. Parent Notification
 - (1) If a student's parent did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent at the same time it transfers the records.
 - (2) If the transfer is a within-state transfer, the receiving school shall notify the parents of the record transfer.
 - (3) If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)
 - (4) The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

Amendment of Education Records

The District recognizes its responsibility to permit parents and eligible students to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

1. Request for Amendment

- A. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be inaccurate, misleading or in violation of the student's rights of privacy.

Students

Student Education Records; Access, Confidentiality, and Amendment

Amendment of Education Records (continued)

- B. Within 30 days of receipt of such request, the Superintendent or designee shall meet with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
- C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
- D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent will be notified of the right to a hearing regarding the request for amendment. Within 30 days of the refusal, the parent may appeal the decision by requesting a hearing, in writing to the Board of Education.

2. Hearing Requirements

- A. The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- B. The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- C. The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
- D. The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request for amendment. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- E. The District shall make its decision in writing within a reasonable period of time after the hearing.
- F. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
 - (1) If the decision is in favor of the parent or eligible student, the education record shall be amended.
 - (2) If the decision is that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the District, or both. When such a

Students

Student Education Records; Access, Confidentiality, and Amendment

Amendment of Education Records (continued)

statement is placed in the education records of a student the District shall: maintain the statement with the contested part of the record for as long as the record is maintained; and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Retention and Destruction of Student Records

1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's prior consent for those students who have not reached the age of eighteen years. Eligible students may give consent for themselves.
2. The District shall comply with all federal, state and local requirements regarding the retention and destruction of records. For disposal of education records, see Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records.
3. Parents of students who receive special education must be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. Also, such information must be destroyed at the request of the parents (subject to section 2 above). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
4. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Notification to Parents

1. Annually, at the beginning of each school year, parents and eligible students will be provided the following notices:
 - A. Family Educational Rights and Privacy Act-Notification of Rights (Addendum A);
 - B. Notification of Disclosure of Directory Information without Prior Written Consent (Addendum B);
 - C. Notification to Parents of Secondary Students- Access to Student Information by Military and College Recruiters (Addendum C).

Students

Student Education Records; Access, Confidentiality, and Amendment

Notification to Parents (continuation)

2. Annual notification of rights shall be by any means that are reasonably likely to inform the parents or eligible students of their rights and shall effectively notify parents who have a primary or home language other than English.

Legal Reference:

Connecticut General Statutes:

- 1-210(b) Access to public records. Exempt records.
- 7-109 Destruction of documents.
- 10-15b Access of parent or guardians to student's records.
- 10-94i. Rights and liabilities of surrogate parents
- 10-154a Professional communications between teacher or nurse and student.
- 10-209 Records not to be public.
- 10-221b Boards of education to establish written uniform policy re: treatment of recruiters.
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students
- 10-233h Arrested students. Reports by police, disclosure, confidentiality.
- 10-233i Students placed on probation by a court
- 10-233k Notification of school officials of potentially dangerous students
- 11-8b Transfer or disposal of public records.
- 19a-583. Limitations on disclosure of HIV-related information
- 46b-56 (e) Orders re custody, care, education, visitation and support of children.
- R.C.S.A. 10-76a-1 Definitions and 10-76d-18 Education records and reports
- Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records

20 U.S.C. 1232g, Family Educational Rights and Privacy Act of 1974

34 C.F.R. Part 99 (FERPA regulations)

20 U.S.C. 1412(a)(8) and 1417(c), Individuals with Disabilities Education Act

34 C.F.R. 300.610-627 (IDEA regulations)

29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1974

34 C.F.R. 104.36 (Section 504 regulations)

20 U.S.C. 7908 Armed Forces recruiter access to students and student recruiting information. (Part of No Child Left Behind Act)

20 U.S.C. 7165 Transfer of School Disciplinary Records

29 U.S.C. 503 Access to secondary schools

Regulation approved: June 12, 2001

Regulation revised: June 12, 2007

Regulation revised:

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

ADDENDUM A

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
- ANNUAL NOTIFICATION OF RIGHTS-**

Consistent with the Family Educational Rights and Privacy Act (FERPA), parents of enrolled students and students over 18 years of age ("eligible students") have certain rights with respect to education records. They are as follows:

The right to inspect and review the student's education records within 45 days of the day the school officials receive a request for access to the records. Parents or eligible students should submit a written request that identifies the record(s) they wish to inspect to the school principal. The school will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate or misleading. Parents or eligible students may ask school officials to amend a record that they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or a violation of privacy. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosure of personally identifiable information contained in the student's education records except to the extent that the FERPA and federal regulations (34 C.F.R. §99.31) authorize disclosure without consent. For example, the law allows disclosure of education records without prior written consent in the following situations:

- To other school officials within the school system who have a legitimate educational interest. A school official is defined as persons who are employed by the Board in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions AND contractors, consultants, volunteers or other parties engaged to perform a special task or service for the Board. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- To other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer
- To comply with a judicial order or lawfully issued subpoena, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena prior to compliance.
- To appropriate parties in the event of a health or safety emergency.

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

The Board of Education has adopted a comprehensive written policy concerning the access, confidentiality and amendment of students' education records. Copies of the complete "Education Records" policy are available at *[INSERT LOCATION, including website, if applicable]*.

ADDENDUM B

**NOTIFICATION OF DISCLOSURE OF DIRECTORY INFORMATION
WITHOUT PRIOR WRITTEN CONSENT**

Name of Student: _____ Date: _____

Name of School: _____

Dear Parent/Guardian and Student:

Federal law enables the School District to release “directory” information about the above named student to the public without your prior written consent. The term “directory information” refers to information that would not generally be considered harmful or an invasion or privacy if disclosed. Although the District uses its discretion and exercises caution when releasing directory information about its students, it is possible that information regarding your child may be released to parties such as the media, colleges, civic or school-related organizations, employment and military recruiters, as well as to the public via school district websites or in published programs for athletic, music, theater and other school sponsored presentations.

Directory information is the following categories of information:

1. Name of student
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Grade level
9. Dates of attendance
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees, honors and awards received (including publication of honor roll)
13. Most recent school previously attended

IF YOU DO NOT WANT ANY OF THE ABOVE INFORMATION ABOUT YOUR CHILD TO BE RELEASED WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:

Refusal to allow disclosure of directory information

I understand that the District has designated the above categories as directory information and may disclose such information about my child without my prior written consent. I refuse to allow disclosure of directory information to the following extent:

- Do NOT release information from the specific categories I have circled above without prior written consent.
- Do NOT release any category of directory information without prior written consent.

Parent/Guardian Signature

Date

ADDENDUM C

**-NOTIFICATION TO PARENTS OF SECONDARY STUDENTS-
ACCESS TO STUDENT INFORMATION BY
MILITARY and COLLEGE RECRUITERS**

Name of Student: _____ Date: _____

Name of School: _____

Dear Parent/Guardian and Secondary Students:

In compliance with federal law, our school district must, upon request, provide to military recruiters, colleges and universities, access to the names, addresses and telephone listings of secondary students.

A parent/guardian or student may request that the student's name, address, and telephone number not be released by the District without prior written parental consent. If you would like to make such a request, please complete the following and return it to your child's school. If we do not receive this request within two weeks of the date of this notice, we will give military recruiters, college and universities access to your child's name, address and telephone listing.

IF YOU DO NOT WANT YOUR CHILD'S NAME, ADDRESS AND TELEPHONE NUMBER TO BE RELEASED TO MILITARY OR COLLEGE RECRUITERS WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:

Request for non-disclosure of information to recruiters

I am aware the District must provide access to military recruiters and colleges or universities of student names, addresses and telephone listings. I am aware the District will provide this information upon request, unless I require that such information not be given to the following groups without prior written parental consent. I therefore request the following:

Military Recruiters *(please check one)*

- Do not release my secondary student's information to military recruiters at any time.
- Do not release my secondary student's information to military recruiters until you have first obtained my *prior written parental consent* before doing so.

Colleges, Universities, or Institutions of Higher Learning *(please check one)*

- Do not release my secondary student's information to colleges, universities or other institutions of higher learning at any time.
- Do not release my secondary student's information to colleges, universities or institutions of higher learning until you have first obtained my *prior written parental consent* before doing so.

Parent/Guardian Signature: _____

Date: _____

Adult Student Signature: _____

Date: _____

**NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL
RIGHTS AMENDMENT (PPRA)**

The Protection of Pupil Rights Amendment (PPRA), a federal statute, affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED).
 - Political affiliations or beliefs of the student or student’s parent;
 - Mental or psychological problems of the student or student’s family;
 - Sex behavior or attitudes;
 - Illegal, anti-social, self-incriminating, or demeaning behavior;
 - Critical appraisals of others with whom respondents have close family relationships;
 - Legally recognized privileged relationships, such with lawyers, doctors, or ministers;
 - Religious practices, affiliations, or beliefs of the student or parents; or
 - Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –
 - Any other protected information survey, regardless of funding;
 - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

5125
5125.1
FORM #2(b)

- Inspect, upon request and before administration or use –
 - Protected information surveys of students;
 - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 - Instructional material used as part of the educational curriculum.

New Milford will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. New Milford will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. New Milford will also directly notify parents and eligible students, such as through U.S. mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Dr. JeanAnn C. Paddyfote, Superintendent of Schools

Or

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

Students

Student Records; Confidentiality

**NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut**

**APPLICATION TO REVIEW STUDENT'S RECORDS
BY PARTIES ENTITLED THERETO
WITHOUT CONSENT BY PARENT OR STUDENT**

I, _____

have hereby requested access to _____

records for the following reasons:

Said records will not be made available to any other person or persons without the specific written consent of (Parent-Student) _____

DATED: _____

New Milford Board of Education
 Policy Subcommittee Minutes
 September 15, 2009
 Lillis Administration Building, Rm. 2

NEW MILFORD, CT

2009 SEP 18 4 24

Present:	Mrs. Amy Llerena, Chairperson Mr. William Wellman Mr. David Lawson Mrs. Alexandra Thomas
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GEORGE C. BUCKBEE
 TOWN CLERK

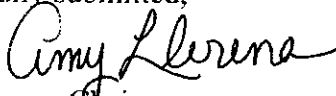
Also Present:	Dr. JeanAnn C. Paddyfote, Superintendent of Schools Mrs. Catherine Richard, Interim Assistant Superintendent Ms. Ellamae Baldelli, Director of Human Resources Mrs. Adele Johnson, Director of Pupil Personnel & Special Services Mrs. Lynn Holmes, Coordinator of Nursing Mr. John Calhoun, Facilities Manager
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1.	Call to Order The meeting of the New Milford Board of Education Policy Subcommittee was called to order at 6:31 pm.	Call to Order
2.	Public Comment <ul style="list-style-type: none"> There was none. 	Public Comment
3.	Discussion and Possible Action Items <p>A. Policy 3524.1 Hazardous Materials in Schools</p> <ul style="list-style-type: none"> The proposed changes are consistent with new statutory requirements. Mr. Calhoun explained the district has an integrated pest management program that complies with the proposed changes in the current policy. <p>B. Policy 5141.4 Child Abuse/Neglect</p> <ul style="list-style-type: none"> Addition of the Superintendent as a mandatory reporter. <p>C. Policy 5141.21 Administering Medication to Students</p> <ul style="list-style-type: none"> Mrs. Llerena noted that the proposed policy aligns with the changes in the statute and regulations will be developed in the coming months from the State Department of Education. Mrs. Thomas asked if there was a procedure for self-medicating to which Mrs. Johnson replied it is written in the current regulations. Mrs. Llerena asked if a child was too young to administer the medication was a teacher then trained to do it, to which Mrs. Holmes responded each case was based on the individual. <p>Policy 6114.1 Fire and Crisis Response Drills</p> <ul style="list-style-type: none"> Mrs. Llerena said there were two changes to this policy: the latest date when the first fire drill of the year must be held, and that a crisis response drill may be substituted for a fire drill once every three months. 	Discussion and Possible Action Policy 3524.1 Hazardous Materials in Schools Policy 5141.4 Child Abuse/Neglect Policy 5141.21 Administering Medication to Students

D.	<ul style="list-style-type: none"> Mr. Lawson asked if a fire drill had to be done once per month to which Dr. Paddyfote said yes they have to be done once every month, but a crisis drill can be substituted once every three months. Mr. Lawson asked if unplanned fire drills, as in someone causing the drill, counted towards the required number of drills to which Dr. Paddyfote said they did not. 	Policy 6114.1 Fire and Crisis Response Drills
E.	<p>Policy 5141.27 First Aid/Emergency Medical Care</p> <ul style="list-style-type: none"> Mrs. Holmes noted that this policy broadens what the school will be responsible for in terms of first aid. Dr. Paddyfote said this will be an issue for after school programming and school sponsored activities outside the normal day. Language requiring AED training of staff will need to be added to future postings and on special assignment forms for anyone earning a stipend for an extra-curricular activity. Mr. Wellman asked if this referred to Board and committee meetings. Mrs. Johnson noted that the Lillis Building did not have AED's but the staff was trained. Mr. Lawson asked if there were sufficient AED's in the school buildings and Mrs. Holmes said there were three for the high school and one for the athletic department; three for Schaghticoke; one for each elementary school. Mr. Lawson asked if this would have a financial impact and Mrs. Llerena noted that the policy says subject to available state or federal funding. 	Policy 5141.27 First Aid/Emergency Medical Care
F.	<p>Policy 4152.6 Personal, Family and Medical Leave</p> <ul style="list-style-type: none"> Ms. Baldelli said the policy was revised last year. She noted there are many changes in the regulations. There are seven forms associated with this policy. Mr. Lawson asked if this was unpaid leave to which Mrs. Baldelli said it was unpaid unless a person had accrued sick time. 	Policy 4152.6 Personal, Family and Medical Leave
G.	<p>Policy 6142.2 Student Nutrition and Physical Activity (Student Wellness)</p> <ul style="list-style-type: none"> Mrs. Llerena said the changes are related to the new statutory references. 	Policy 6142.2 Student Nutrition and Physical Activity (Student Wellness)
H.	<p>Policy 5141.25 Students with Special Health Care Needs</p> <ul style="list-style-type: none"> Mrs. Llerena said this policy identifies the members of the Food Allergy Management Team. Mrs. Johnson said there is a plan in place from 2007, but this will need to go to a wellness advisory council meeting for review. Also, the Food Allergy Management Plan must be put on the district's website. Dr. Paddyfote suggested since this was a major revision that this should go before the Board for a first and second review. 	Policy 5141.25 Students with Special Health Care Needs

	<p>Mrs. Thomas moved to bring Policy 3524.1 Hazardous Materials in Schools; Policy 5141.4 Child Abuse/Neglect; Policy 5141.21 Administering Medication to Students; Policy 6114.1 Fire and Crisis Response Drills; Policy 5141.27 First Aid/Emergency Medical Care; Policy 4152.6 Personal, Family and Medical Leave; and Policy 6142.2 Student Nutrition and Physical Activity (Student Wellness) to the full Board for approval, seconded by Mr. Lawson and passed unanimously.</p> <p>Mrs. Thomas moved to bring Policy 5141.25 Students with Special Health Care Needs to the full Board for first review, seconded by Mr. Lawson and passed unanimously.</p>	<p>Motion made and approved to send Policy 3524.1 Hazardous Materials in Schools; Policy 5141.4 Child Abuse/Neglect; Policy 5141.21 Administering Medication to Students; Policy 6114.1 Fire and Crisis Response Drills; Policy 5141.27 First Aid/Emergency Medical Care; Policy 4152.6 Personal, Family and Medical Leave; and Policy 6142.2 Student Nutrition and Physical Activity (Student Wellness) to the full Board for approval</p> <p>Motion made and approved to bring Policy 5141.25 Students with Special Health Care Needs to the full Board for first review.</p>
4.	<p>Items of Information</p> <p>Regulation 4152.6 Family and Medical Leaves Regulation 5125 Student Education Records: Access, Confidentiality, and Amendment</p> <ul style="list-style-type: none"> • Mrs. Llerena said these were regulations and no action was needed by the Board. • Mr. Wellman noted that in the student education records regulation a fee could be charged for transcripts and wondered what that was. Dr. Paddyfote said she did not think a fee was charged for current student transcripts, rather that was part of the service for students applying to colleges. • Mr. Wellman said if the policy calls for a fee, what is the fee and is the Board happy with those amounts. • Dr. Paddyfote said the fee is \$.50 per page. 	<p>Items of Information</p> <p>Regulation 4152.6 Family and Medical Leaves Regulation 5125 Student Education Records: Access, Confidentiality, and Amendment</p>
4.	<p>Adjourn</p> <p>Mr. Lawson moved to adjourn the meeting at 6:58 p.m., seconded by Mrs. Thomas and passed unanimously.</p>	<p>Adjourn</p> <p>Motion made and approved to adjourn at 6:58 p.m.</p>

Respectfully submitted,



Amy Llerena, Chairman
 Policy Sub-Committee