

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

POLICY SUB-COMMITTEE
MEETING NOTICE

DATE:	June 4, 2019
TIME:	6:45 P.M.
PLACE:	Lillis Administration Building - Room 2

AGENDA

New Milford Public Schools Mission Statement

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

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Policies for Review:

- 1. 1324 Fund-Raising by Students
- 2. 1325 Advertising and Promotion
- 3. 1330 Use of School Facilities
- 4. 1331 Smoking
- 5. 1411 Relations with Police Authorities
- 6. 1412 Fire Department
- 7. 1430/1440 State and Federal Aid
- 8. 1620/1640 Relations with Private Schools, Colleges and Universities
- 9. 1700 Possession of Firearms on School Property Prohibited

4. Item of Information

A. Regulation Revision:

- 1. 1325 Advertising and Promotion

5. Public Comment

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NEW MILFORD, CT

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6. Adjourn

Sub-Committee Members: Tammy McInerney, Chairperson
Joseph Failla
Wendy Faulenbach
J.T. Schemm

Alternates: Bill Dahl
Angela C. Chastain

FOR DISCUSSION AND POSSIBLE ACTION

1324(a)

Community Relations

Fund-Raising by Students

Fund-raising shall be authorized under conditions that do not conflict with instructional programs. Fund-raising refers to the raising of non-appropriated funds for the educational benefit of students and their school funds.

Fund-raising shall be permitted by students attending middle and high school, provided such activities are approved in writing and carefully monitored and regulated by the school Principal or a designee. Elementary schools may not conduct any sales campaign, project, or other process which requires, encourages, or otherwise promotes the utilization of students in door-to-door solicitation.

Each Principal shall develop and maintain a list of all approved fund-raising activities and report all activities to the Superintendent pursuant to procedures issued by the Superintendent.

The Superintendent will furnish the Board of Education with an up-to-date listing of all fund-raising activities being conducted in the schools.

Fund-Raising In and For The Schools

It is the responsibility of the Board to control fund-raising activities which involve the students in the New Milford school system.

Any school-based organizations, including parent/teacher groups and organizations, wishing to engage in a fund-raising activity, must have prior approval from the school Principal.

The following guidelines shall apply when a school Principal considers a fund-raising activity for approval:

- The gift or donation for which the fund-raiser is held shall be of sufficient benefit to the school and/or students to justify the fund-raising activity.
- The anticipated gift or donation shall not supplant an item which had been part of the normal operational budget within the previous two fiscal years, nor the Board's responsibility for educational funding.
- The mechanics and procedures of fund-raising shall not be an unacceptable burden to school staff members nor subject the school to any significant risks or responsibilities in handling funds.

Community Relations

Fund-Raising In and For The Schools

- Fund-raisers which involve students through their class, school club or group shall be supervised by a staff member who, along with the school Principal, accepts the responsibility for the mechanics and procedures of the fund-raiser.
- The number of fund-raising activities per school year shall not be excessive, and shall be appropriate to the school environment.
- Requests for fund-raising activities shall be directed to the office of the school Principal on the appropriate form (1324) for approval. The school Principal shall maintain a copy of all request forms and forward a copy of approved request forms to the Office of the Superintendent.
- Students in grades K-5 shall not be asked to solicit outside of their home.

Policy adopted: May 7, 2001
Policy revised: June 9, 2009
Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut



Connecticut Association of Boards of Education

Vincent A. Mustaro, Senior Staff Associate for Policy Services

PRESENTS POLICY HIGHLIGHTS

January 4, 2019

Volume 18 – Issue #14

New Federal Title IX Regulations Released: U.S. Secretary of Education Betsy DeVos recently released new proposed regulations regarding sexual harassment under Title IX of the Education Amendments of 1972. The new Title IX regulations allow schools to raise the bar on what evidence is needed to prove claims of sexual assault and harassment.

The new rules dictate when schools are obligated to intervene to address sexual victimization and when those obligations kick in. The proposed guidance has several implications for K-12 schools.

The new directive allows schools to shift the threshold that officials use to decide if an assault claim requires a response from the “preponderance of evidence” standard established by the Obama administration to a “clear and convincing evidence” higher bar.

Schools will be held responsible for addressing a complaint if they have “actual knowledge” that an offence occurred, a higher bar than under the old guidance which said they were required to intervene if they “reasonably” should have known about a violation. Schools will be faulted if they are “deliberately indifferent” to known sexual harassment according to the new guidance.

In addition, sexual harassment is defined more narrowly as sexual assault or “unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it denies a person access to the school’s education program or activity. Previously it was defined as “unwelcome conduct of a sexual nature.”

The new regulatory language requires schools to respond to “conduct within its education program or activity.” Concern has been voiced that this may cause some schools to ignore off-campus incidents or create confusion about whether schools are required to respond to online harassment, like the sharing of explicit photos or demeaning messages. In addition, the proposed regulations include a dramatically expanded and detailed grievance procedure for formal Title IX complaints.

Presently, binding federal regulations do not exist related to sexual harassment under Title IX. The Department of Education’s Office for Civil Rights (OCR) has provided administrative guidance, rather than regulations, on the topic to direct district actions.

The newly proposed regulations have been printed in the *Federal Register*, Vol. 83, No. 230, November 29, 2018. The proposed regulations are currently open to public comment during a 60-day period which ends on January 28, 2019. The U.S. Department of Education, as a result of the comments received, may revise the proposed regulations before they become final.

A one page summary of the proposed rule can be accessed at <https://bit.ly/2QBEZPy>. A section-by-section summary can be found at <https://bit.ly/2Gh7WeM>.

Policy Implications: Several policies and/or administrative regulation pertain to this topic. They include the following:

- #5145.5 – Sexual Harassment (Students)
- #5145.51 – Peer Sexual Harassment (Students)
- #4118.111/4218.111 – Grievance Procedure (Personnel)
- #4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace (Personnel)
- #4000.1 – Title IX (Personnel)
- #0521.1 – Title IX Grievance Procedure

It is extremely likely, once the new regulations are finalized after the public comment period, that the above material will either be replaced with new versions or revised in order for them to be in compliance with the new federal regulations. We will be revisiting this topic when appropriate, necessary and when additional information is available.

Crowdfunding-Part of the Connecticut Landscape: Crowdfunding, a relatively new source of revenue streaming is being widely used by the education community, including in many Connecticut school districts. NSBA's Council of School Attorneys (COSA) indicates that schools should approach this new funding trend with caution and carefully consider whether policies are necessary to regulate what teachers are doing online in the name of specific schools. A brief review of some of the publicly-available teacher posts on [DonorsChoose.org](https://www.donorschoose.org), a site that is generally more protective of school and student interests than many other crowdfunding sites, revealed some concerning instances of potential liability, which are discussed below.

Crowdfunding is comprised of two different types: those aimed at raising capital for a business venture and those aimed at raising funds for charitable donations. For the most part, the charitable donation aspect of crowdfunding is the type that is gaining great traction in public schools.

The business venture crowdfunding is generally undertaken by start-up businesses in lieu of getting a traditional business capital loan, with donors being promised, and expecting to get some sort of return on their investment. It is a small-business financing model, of sorts.

Donation-based crowdfunding sites, such as [DonorsChoose.org](https://www.donorschoose.org), are very popular with teachers and other individuals seeking to raise funds for their schools. A COSA review of some of the posts from educators on [DonorsChoose.org](https://www.donorschoose.org) revealed some significant legal issues within the teacher posts themselves, including potential FERPA violations and liability under the Individuals with Disabilities Education Act (IDEA). Regulation by schools of individual teacher postings on crowdfunding sites, COSA indicated, is a bare minimum essential to prevent some legal issues.

While many of the entries posted on the [DonorsChoose.org](https://www.donorschoose.org) site posed little-to-no legal liability, there were an alarming number of entries that did pose some potentially significant issues. This included a number of potential FERPA issues related to teacher posted photographs, which were combined with specific written information in the posts about the classes. These descriptions could also legally be considered to be potential IDEA violations, and/or violations of specific district policies. Other posts, while they did not pose any particular threat of liability, painted the schools and/or districts in a very negative light when asking for funds.

Most teacher crowdfunding posts are designed to raise funds under the name of a specific school. Schools should have regulations regarding who can raise funds on behalf of a school and what procedures and protections should be put into place to protect the school in such instances. Teachers should be prohibited from using the school's name or any other identifying features unless the teacher is in full compliance with the procedures and/or protocols established by the school. Some recommendations for safeguards that should be put into place to protect schools are listed below. These protocols are designed to assist schools in reducing potential liability caused by teacher crowdfunding posts.

1. *Require Administrative Approval of all Postings Before They Are Published*

Individuals wishing to raise funds for a particular school should be required to obtain written approval after providing pertinent details, such as the site on which the funds would be raised, a complete copy of the proposed listing, and a copy of the school personnel's personal profile to be listed on the site. Approving administrators should carefully review the proposed posts to ensure that no potential legal liability, violation of state or federal laws, and/or violation of the school's policy and/or procedures exists. The proposed posts should also be reviewed to ensure that the posts do not paint the school, the district, or any of its employees or students in a negative light. Ideally, school regulations/procedures should prohibit all posting of student images on the site, limiting pictures to that of the classroom, the teacher and/or photos of students where the students are not identifiable (e.g., their hands, backs of heads, etc.).

2. *Develop an Approved Site List and Only Permit Crowdfunding on Sites that Send Proceeds and/or Items Directly to the Schools, NOT the Individual Employee*

Funds raised and/or items purchased should go directly from the crowdfunding site to the school being served. Schools should require that funds and/or items be delivered directly to the school administrator. If districts wish to permit crowdfunding by teachers, schools should carefully consider all of the available sites and approve only those that provide the safeguards deemed most appropriate by the school.

3. *Ensure that Proceeds/Items Obtained Through Crowdfunding Fulfill Stated Purpose*

Funds raised and/or items purchased via crowdfunding must be used for their designated purpose. As such, schools should have safety mechanisms in place to ensure that the funds/materials are being used as described. Schools should also make clear, via written policy or procedures, that all funds and/or materials are property of the school and shall remain with the school in the event that the teacher terminates his or her employment with the school.

4. *Require that all Crowdfunding Activities, as Well as Activities Being Funded, be Fully Compliant with Board Policies*

It is imperative that teachers are made aware that crowdfunding postings and requests *must* be compliant with all board policies. Administrators who are reviewing and/or approving crowdfunding requests should be careful to review them for policy violations and deny any that do, or have the potential to, violate existing district policies.

It is necessary to take reasonable measures to regulate the crowdfunding that may be done in the name of the schools. This fast-moving trend needs to be monitored for the onslaught of legal issues, legislation and best practices that will inevitably follow. Such measures should include the adoption of a district-wide policy either prohibiting or specifically and carefully restricting crowdfunding in the areas discussed. Heightened awareness and regulation of these practices protect the students first and foremost, but they also protect the school and teachers from potential liability.

Source: This narrative is excerpted from “Crowdfunding in Public Schools: Mitigating Potential Liability Through Effective Policies,” By Erin Duryea Gilsbach, Esq., Director of Professional and Policy Development, King, Spry, Herman, Freund & Faul, Bethlehem, Pa., *May 2016 Inquiry & Analysis, Council of School Attorneys (COA)*, National School Boards Association.

Policy Implications: A policy and an accompanying administrative regulation, #3281.2, “Online Fundraising Campaigns – Crowdfunding,” are available upon request. These are considered optional for inclusion in the district’s manual. Another approach is to add language to policy #3280, “Gifts, Grants and Bequests,” pertaining to this issue. Sample language is available also.

Food for Thought:

“People often want to know ‘what works’ in education, but the simple truth is that everything works somewhere, and nothing works everywhere.”

Source: “Assessment: The Bridge Between Teaching and Learning” by Dylan Wiliam in *Voices from the Middle*, December 2013 (Vol. 21, #2, p. 15-20).



Connecticut Association of Boards of Education

Vincent A. Mustaro, Senior Staff Associate for Policy Services

PRESENTS POLICY HIGHLIGHTS

March 29, 2019

Volume 18 – Issue #20

Districts Banning Crowdfunding Sites:

As teacher-led crowdfunding grows ever more popular, school leaders are starting to voice concerns. Sarah Schwartz of *Education Week* stated that, “For over a decade, teachers across the country have used the classroom crowdfunding site DonorsChoose to buy instructional materials, take their students on field trips, and stock up on basics like pencils and tissues.”

Teacher-led crowdfunding has grown in popularity, but school leaders are beginning to voice concerns. Schwartz indicates, “Administrators say they have no way of knowing whether the instructional materials and technology flowing into their schools through individual teacher requests are aligned to district standards. They also worry the decentralized process will make it hard to monitor how money is distributed among schools.”

Therefore, some districts, such as the Metro Nashville Public Schools, have banned teachers from using DonorsChoose and other sites. However, many school leaders are hesitant to give up on crowdfunding and its potential benefits altogether. Crowdfunding platforms provide a means to supplement school resources without expecting teachers to use their personal funds.

Schwartz cites that two recent reports do not support the banning of crowdfunding and call for district policy to guide teacher use of such practices and sites.

Eighty-one percent of schools in the U.S. have at least one teacher who has listed a project on DonorsChoose, according to the nonprofit. Annual project funding on the platform has jumped from \$1.1 million in 2003 to \$159.9 million in 2018, growing annually.

More than 1,100 teachers in the Metro Nashville schools during the past ten years, prior to the district-imposed ban, created projects on the crowdfunding site, funding a total of \$1.5 million worth of classroom supplies. Teachers argued on social media, that they need the crowdfunding website to support underfunded classrooms. “The state Comptroller has indicated that such sites are problematic for school districts because of lack of adequate controls,” K. Dawn Rutledge, the district’s communication officer, wrote in an email to *Education Week*. The district’s legal team has said that Metro Nashville schools can’t agree to many of the terms and conditions on crowdfunding sites, said Rutledge.

Taronda Frierson, the director of school audit for the district, reported that technology purchased through crowdfunding sites may not meet district information-technology specifications.

Nationally, other districts have banned the use of crowdfunding sites. Sixty-seven districts in Ohio reported that they do not allow teachers to use crowdfunding. Officials in Harford County Schools, Md., told teachers they couldn't use DonorsChoose or a similar site, Adopt a Classroom. Barbara Canavan, the Harford superintendent at the time, said that these sites make it difficult for the district to monitor how money flows to individual schools, and there is no way to ensure that the materials teachers purchase are aligned to the district's curriculum.

Many districts, are supportive of teachers' independent classroom fundraising, with some actively encouraging the efforts. Research published from Texas State University, according to Schwartz, reported schools relying heavily on DonorsChoose for ten years. At the schools reviewed, administrators promoted the platform.

Currently, district leaders' associations are trying to provide some guidance. EdSurge Research and Chiefs for Change recently released a [report](#) arguing that, instead of banning educators' use of these platforms altogether, administrators should manage teachers' projects and create a unifying policy for crowdfunding in the school district. The report explains how different crowdfunding platforms work and offers guidelines for such policies.

The American Association of School Administrators (AASA), the School Superintendents Association, released a [crowdfunding toolkit](#) in partnership with DonorsChoose.

In her article, Sarah Schwartz reported that the EdSurge report identified some of the biggest challenges that this type of fundraising poses for administrators. Keeping tabs on funding and alignment to standards came up, but so did equity: Is it fair if some students have teachers who fill their classrooms with donated resources, while other students don't?

In a few districts, the report notes, teachers have used crowdfunding to flout district initiatives. In one example they cite, teachers who opposed the district implementing a new digital curriculum created crowdfunded campaigns in order to purchase print books.

Some platforms have safeguards that can help offset these kinds of issues. School and district leaders need to familiarize themselves with each platform's features, the EdSurge report suggests.

The report also calls for districts to set their own parameters for teachers using these platforms including such considerations as (1) a dollar limit for projects, (2) categories of supplies that are approved or off-limits, (3) ownership of the materials that teachers receive, and (4) desired district outcomes.

Source: "School Districts Are Banning Teachers From Using DonorsChoose," by Sarah Schwartz, *Education Week Teacher*, March 14, 2019.

Policy Implications: Crowdfunding is a relatively new source of revenue streaming that is being widely used by the education community. The trend of crowdfunding has hit the education community by storm, but NSBA's Council of School Attorneys (COSA) indicates that schools should approach this new trend with caution and carefully consider whether policies are necessary to regulate what teachers are doing online in the name of specific schools.

Donation-based crowdfunding sites, such as DonorsChoose.org, are becoming increasingly popular with teachers and other individuals seeking to raise funds for their schools. A COSA review of some of the posts from educators on DonorsChoose.org revealed some significant legal issues within the teacher posts themselves, including potential FERPA violations and liability under the Individuals with Disabilities Education Act (IDEA). Regulation by schools of individual teacher postings on crowdfunding sites, COSA indicated, is a bare minimum essential to prevent some legal issues.

Most teacher crowdfunding posts are designed to raise funds under the name of a specific school. Schools should have regulations regarding who can raise funds on behalf of a school and what procedures and protections should be put into place to protect the school in such instances. Teachers should be prohibited from using the school's name or any other identifying features unless the teacher is in full compliance with the procedures and/or protocols established by the school. Some recommendations for safeguards that should be put into place to protect schools are listed below. These protocols are designed to assist schools in reducing potential liability caused by teacher crowdfunding posts.

1. Require administrative approval of all postings before they are published.
2. Develop an approved site list and only permit crowdfunding on sites that send proceeds and/or items directly to the schools, not the individual employee.
3. Ensure that proceeds/items obtained through crowdfunding fulfill stated purpose.
4. Require that all crowdfunding activities, as well as activities being funded, be fully compliant with board policies.

It is imperative that teachers are made aware that crowdfunding postings and requests *must* be compliant with all board policies. Administrators who are reviewing and/or approving crowdfunding requests should be careful to review them for policy violations and deny any that do, or have the potential to, violate existing district policies.

Take reasonable measures to regulate the crowdfunding that may be done in the name of the schools. This fast-moving trend needs to be monitored for the onslaught of legal issues, legislation and best practices that will inevitably follow. Such measures should include the adoption of a district-wide policy either prohibiting or specifically and carefully restricting crowdfunding in the areas discussed. Heightened awareness and regulation of these practices protect the students first and foremost, but they also protect the school and teachers from potential liability.

A policy and an accompanying administrative regulation, #3281.2, "Online Fundraising Campaigns – Crowdfunding," has been developed. These are considered optional for inclusion in the district's manual. Another approach is to add language to policy #3280, "Gifts, Grants and Bequests," pertaining to this issue. Samples are available upon request.

Emergency Operations Plan Training for School Districts & Schools, K-12: It has come to our attention from Henry Paszczuk, Emergency Management Program Specialist, (Division of Emergency Management and Homeland Security, CT Department of Emergency Services and Public Protection) that a safety and security training program will be available on May 1 and May 2, at the Branford Fire Headquarters, 45 North Main Street, Branford.

The day and a half program will cover the following:

- Preparation for Planning.
- What is the National Incident Management System (NIMS) and How to Incorporate it Into Your Plan.
- Understanding the Situation.
- Developing the School Emergency Operations Plan.
- Developing Procedures and Functional Annexes.
- Developing Hazard and Incident-Specific Annexes.
- Training and Exercising the Plan.
- State Requirements for Plan Content and Submissions.
- The Connecticut All-Hazards Template for Schools.

The training will be offered at no cost by the Division of Emergency Management and Homeland Security, to provide schools and school districts with the tools needed to produce a high quality multi-hazards emergency operations plan. The course was developed in collaboration FEMA and the Federal Department of Education.

The classes are open to:

- Public schools and districts (including regional, charter, magnets, agricultural and technology, endowed and incorporated schools).
- Private schools (all types and religious affiliations welcome).
- High quality emergency operations plans, require input from many disciplines. The following is a partial list of who should attend: superintendents, principals, police, school resource officers, fire marshal, nurse, public health, emergency manager, risk manager, custodian, food service, transportation manager and elected officials.

Additional information, including registration directions can be accessed at:

<https://events.eventzilla.net/e/emergency-operations-plan-training-for-school-districts--schools-k12-2138719864>

Food for Thought:

“An effective principal is a coach, guiding team members toward the accomplishment of shared goals. An effective principal is a psychologist, intuiting diverse motives among people and instilling a unified vision. An effective principal wrings maximum gains from data, while retaining the ability to set priorities minute by minute. In short, an effective principal is a master of managing people, data, and processes.”

Source: “Leading Lessons,” a supplement to *Principal Magazine*, March/April 2019.

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *Recommendation to add the first sentence to the second paragraph. The sentence is now included in Regulation #1325, but it really amounts to a declaration of Board policy so it should be included in the policy. It can stay in the regulation as well. Additional recommendation to add the legal reference to Title IX (and keep the Title IX reference in the accompanying regulation), since the regulation addresses the acceptance of donated goods and Title IX gender-equity considerations should be considered in such circumstances.*

1325

Community Relations

Advertising and Promotion

The Board of Education has a responsibility to protect students from possible exploitation by private interests through exposure to advertising within the school environment. Because marketing and promotional materials are a pervasive element in our culture, it is unfeasible to strictly prohibit the indirect or incidental advertisement of products and services to students and parents.

The resources of the New Milford Public Schools may not be used to advertise or promote goods or services to students if the primary purpose of such activity is to create commercial benefit for a non-school entity. Any advertising by the school, staff or affiliated organizations must be done in a thoughtful, careful and tasteful manner consistent with the educational goals of the district and in the best interests of the students. The Superintendent of Schools must approve any advertising by private interests in school district facilities or on school district property. The approval of such advertising does not imply that the Board endorses the product, services or item being advertised.

In addition, approval must be consistent with the educational interests of the students as well as the requirements of other Board policies. Any approval will state precisely where such advertising may be placed. Advertising by private interests will not be allowed outside the specific area approved by the Board of Education.

The Superintendent of Schools shall develop and implement regulations regarding the appropriate use of advertising and promotion within the schools.

Legal Reference: Title IX of the Educational Amendments of 1972.

Policy adopted: May 7, 2001
Policy revised: June 9, 2009
Policy revised: November 10, 2009
Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *The suggested revisions below address the Policy Committee's questions/comments and also include several language additions to reflect additional statutory provisions. Here is a summary of each change in order of appearance:*

Addition of voting as a permissible use of school facilities in Section 1. Conn. Gen. Stat. § 10-239 mandates that boards of education make school facilities available for voting purposes.

Section 7, C's requirement that an organization obtain the services of the police or fire department if attendance is estimated at more than 100 people is not something that is mandated in state statute or regulations or local ordinance. Since this requirement is not mandated by law the Board is free to change the requirement. Language has been changed from "may" to "shall" in order to clearly designate that the language is mandatory.

The existing reference to PA 97-290 raises an interesting issue. Part of that Public Act is codified in Conn. Gen. Stat. § 10-221g (a copy of the statute is attached). Conn. Gen. Stat. § 10-221g requires boards of education to conduct "instructional time and facility usage assessments" and also requires superintendents to meet regularly with representatives of the local public library and local recreation department to coordinate the availability of facilities. This statute is routinely ignored by Connecticut boards of education and Legal is unaware of any districts that address this statute in their use of school facilities' policies or that conduct such assessments. The statute has never been the subject of litigation and is not cited in any regulations. There is no prescribed penalty for failing to conduct such assessments and there is no guidance in the law as to what is necessary to conduct an adequate assessment, how frequently they must be conducted, how frequently the superintendent must meet with representatives from the public library and recreation departments, etc. The legislative history for PA 97-290 does not give any definite guidance as to how Conn. Gen. Stat. § 10-221g should be interpreted.

Nevertheless the statute is on the books so the language in Section 8 below is intended to address the statute's requirements – while leaving as much flexibility as possible for the Board and Superintendent in terms of executing the statute's requirements. Reference to Conn. Gen. Stat. § 10-221g is not necessarily mandated by Board policy so the Board could elect to leave such language out of the policy if it so chooses.

Section 9 references the Boy Scouts of America Equal Access Act – a federal law that requires that school districts ensure equal access to school facilities to the Boy Scouts and similar youth groups.

Section 10 incorporates language of Conn. Gen. Stat. § 10-222a that states that funds paid to a board of education by an outside organization for use of school facilities are deemed appropriated to the board of education less any custodial costs incurred by the town.

1330

Community Relations

Use of School Facilities

As the schools of the community have been built with public funds and are supported by the citizens of the community, it is the desire of the Board of Education to make school facilities available to community organizations when consistent with the provisions of the General Statutes of the State of Connecticut, ordinances of the Town of New Milford, Internal Revenue Code Requirements for facilities whose construction was funded by tax exempt bonds and good management.

It is the policy of the Board to facilitate and encourage the use of school facilities by the public and to manage the use of school facilities to assure that the use of school facilities does not interfere with or otherwise disrupt the proper operation of the schools.

“School facilities” shall be defined as all school property, including land, buildings, equipment, and systems of and surrounding a facility operated by the Board of Education. The use of school facilities is under the control and supervision of the Facilities ~~Manager~~ **Director** who shall be responsible to assure the use of school facilities shall be limited to those activities that do not infringe upon or in anyway interfere with the operation of the schools and the best interests of the Board of Education. Exceptions to the standards and regulations of this policy and appeals may be directed to the Superintendent of Schools and the Board of Education as appropriate.

1. The Board of Education may permit the use of school facilities for the following purposes:
 - a. instructions in any branch of education or the arts;
 - b. holding social, civic, and recreational meetings and entertainment;
 - c. meetings and entertainment purposes where admission fees are charged, provided the proceeds are to be expended for clearly designated educational, civic, or charitable purpose;
 - d. commercially sponsored meetings and entertainment purposes~~d~~ where admission fees are charged, provided that the sponsoring organization shall pay a fee to the Board of Education which fully covers utility costs and building depreciation as well as the usual custodial charges; ~~and~~
 - e. religious services during non-school hours; **and**
 - f. **for voting in accordance with the provisions of Title 9 of the Connecticut General Statutes.**

Community Relations

Use of School Facilities

2. An organization may request use of a particular facility for a period of time not to exceed six (6) months. When more than one organization requests the use of a particular facility at the same time, the Superintendent of Schools shall discuss the matter with the organizations involved in the conflict and attempt to work out a mutually satisfactory compromise. If a compromise cannot be arranged, priority shall be given to:
 - a. the organization that will make best use of the facility in terms of the number of people to be served, and/or the lack of an equivalent program in the community;
 - b. the organizations currently using the facility; and
 - c. the organization wishing to expand existing activities conducted in that facility.
3. Use of school buildings may be denied by the Board of Education to the extent permitted by law. The Superintendent of Schools or his/her designee will represent the Board in granting provisional permission for use of school facilities.
4. Organizations that use school facilities for
 - a. commercial purposes,
 - b. fund-raising activities other than those sponsored by local nonprofit organizations,
 - c. classroom instruction for which tuition is charged, other than those sponsored by municipal, state or local agencies, or
 - d. political/advocacy groups or religious services, including groups engaged in fundraising to support political candidates or issues or religious organizations, will be required to recompense the Town at an established rate to be set annually by the Board of Education which covers expenses incurred for lighting, heating, and general building maintenance. Prepayment of fees will be required. The PTO and other parent and student groups who use school facilities to raise funds for school-related purposes will be exempt from this requirement.
5. When use of a school facility requires overtime pay to a custodian, kitchen worker or other school employee, the organization using the facility will be required to reimburse the school system for the overtime payment, plus any applicable employee benefits. The employee will enter the time worked on his time card and the central office in turn will bill the users for the overtime payment.

Community Relations

Use of School Facilities

6. The administration has the responsibility to determine that an area is being used efficiently. If participation approaches minimal numbers, the approval may be withdrawn by the Superintendent or his/her designee.
7. Approval of the Application for Building Use may be withdrawn for non-compliance with any of the following rules or for failure to make payment.
 - a. Smoking is not permitted anywhere within the school building. In the event that smoking on stage is part of a program, the applicants will be required to obtain the written permission of the Town Fire Marshall. All organizations using this facility for a public function will announce that, in accordance with Section 31-22 of the NFPA 101 Code, there will be no smoking permitted. Further, notification will be given regarding the location of all emergency fire exits.
 - b. All exit lights must be lit during a program. No exit may be blocked.
 - c. Any organization ~~may~~ **shall** be required to obtain the services of police officers or firemen if ~~such is considered~~ **the Superintendent or his or her designee deems such services** necessary for the protection of school property and/or for traffic safety. All organizations requesting use of facilities for activities where attendance estimates exceed one hundred (100) people ~~are~~ **shall be** required to obtain the services of a police officer or fireman to supervise traffic and enforce parking regulations.
 - d. It is expected that the facilities will be left clean and neat after use. All organizations will be held responsible for the proper care and use of facilities and will be charged for any damage to buildings or equipment as a result of their usage.
 - e. No school owned equipment may be installed or operated by the using agency but must be operated and under the control of school appointed personnel. Since the use of the High School ~~Auditorium~~ **Theatre** may require technical knowledge, it is necessary that an "~~Application for Use of High School Auditorium~~ **Application for Use of School Facilities**" form be prepared in quadruplicate. While any of the technical facilities that are part of the ~~auditorium~~ **theatre** and stage are available to an approved organization for use, only authorized school personnel will be permitted to operate such facilities.

Community Relations

Use of School Facilities

- f. If the program is primarily intended for children under the age of 18 years, the school administration will require the sponsoring agency to provide adult supervision. The names of supervisors must be submitted in advance. The number of supervisors will be determined by the school administration.
- g. No nails, screws or other fastening devices may be applied to any part of the school building. This applies to stage floors in particular.
- h. Any group or organization using the school facilities shall be responsible for injury, damage of any kind and theft. Said groups or organizations agree to indemnify and save the Board of Education and the Town of New Milford harmless from any damage, loss, or expense or liability of any kind resulting from or arising out of said use.
- i. Organizations wishing to use school facilities must first present in writing proof of proper insurance which will cover any liability that might be claimed against the Board for any occurrence resulting from said use with a save harmless clause protecting the Board, along with coverage for any damage or theft.
- j. Fixed kitchen equipment may not be used without an employee of the school lunch program in attendance.
- k. Requests for use of a particular facility on a regular basis may not be submitted prior to January 1 for a summer activity or prior to June 1 for a fall, winter and/or spring activity.
- l. The person responsible for the organization shall inspect the areas of planned use before and after their use in the company of the assigned custodian. The custodian will note any problems seen on the pre and post use inspection. Users will be responsible for conditions noted after use which were not present on the pre use inspection.
- m. The use of shower or locker facilities at the middle school and high school will be permitted if the group requesting use can vacate these spaces no later than 10 p.m. If the spaces are not vacated by that time the groups involved will receive additional charges for overtime use.
- n. Any group using the facilities past 11 p.m. will be billed for overtime custodial charges.

Community Relations

Use of School Facilities

8. The Board shall periodically conduct instructional time and facility usage assessments in order to maximize student learning and community use of facilities. To assist in this process, the Superintendent shall regularly meet with representatives from the New Milford Public Library and the New Milford Parks and Recreation Department to coordinate the availability of facilities.
9. The Board shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in Title 36 of the United States Code) that wishes to conduct a meeting using school facilities pursuant to this policy.
10. In accordance with Conn. Gen. Stat. § 10-222a, whenever any outside group or individual makes payment for custodial costs for use of school facilities or otherwise for the use of such facilities such payment, less any cost incurred by the Town in providing custodial services, shall be deemed appropriated to the Board for the current fiscal year.

Legal Reference: **Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905**
Patriotic and National Organizations, 36 U.S.C. § 10101 et seq.

Connecticut General Statutes

Title 9 Elections

10-221g Instructional time and facility usage assessment

10-222a Boards to have use of funds from repayment and insurance proceeds for school materials and from payment for custodial services for use of school facilities

10-239 Use of school facilities for other purposes.

~~PA 97-290 An Act Enhancing Educational Choices and Opportunities~~

Policy adopted: May 7, 2001
Policy revised: June 9, 2009
Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Connecticut General Statutes Annotated
Title 10. Education and Culture (Refs & Annos)
Chapter 170. Boards of Education (Refs & Annos)

C.G.S.A. § 10-221g

§ 10-221g. Instructional time and facility usage assessment

Currentness

Each local and regional board of education shall conduct an instructional time and facility usage assessment in order to maximize student learning and community use of facilities. For purposes of such audit, the superintendent of schools of each school district shall meet regularly with representatives from the public library and the recreation department in the town or towns that comprise the school district to coordinate the availability of facilities.

Credits

(1997, P.A. 97-290, § 11, eff. July 1, 1997.)

C. G. S. A. § 10-221g, CT ST § 10-221g

The statutes and Constitution are current through the 2018 February Regular Session of the Connecticut General Assembly.

**New Milford Public Schools
Application to Use School Buildings or Grounds
General Instructions and Information**

Purpose

Inasmuch as the schools of the community have been built with public funds and are supported by the citizens of the community, the Board of Education wishes to do all that is possible, consistent with the provisions of the General Statutes of the State of Connecticut to make school facilities available to community organizations.

General Application and Reservation Information

Educational activities take precedence over all other uses of the space. The school system reserves the right to cancel the use of any space to accommodate the educational needs of the school system.

Applications for Use of Buildings will not be accepted without an original certificate of insurance attached. Questions regarding insurance requirements should be directed to the Facilities Department office. All applicants must sign the reverse side of the applications white (top) copy in the appropriate space. Unsigned applications will be deemed incomplete.

Use of a space without advance receipt of a Use of Building Permit represents trespass and will be treated as such.

Rooms and spaces are reserved for only the date and time listed on the Use of Building Permit. No substitutions are made for cancellations of any event due to weather or other unforeseen situations. In the event of the cancellation of school all events shall be deemed canceled.

Excess reservation of spaces constitutes misuse of the permitting process. Users are expected to use all spaces reserved and all time periods of each reservation. Failure to use a reserved space is deemed misuse of the permitting process and may result in cancellation of all future reservations and termination in the privilege of reserving space. The Office of Facilities must be advised of all changes in reservations made necessary by foreseen and unforeseen situations.

Reservations for space must be received no less than two weeks prior to the event. Requests for space submitted less than two weeks in advance may be denied.

In the absence of a school system administrator, custodians represent authority regarding all aspects of building use.

Permits may not be assigned and are not transferable.

Responsibilities of all Users

Users are responsible for ALL ATTENDEE'S OF THE EVENT including participants, invited guests AND OBSERVERS. All users are expected to control and limit entrance to the event and to supervise the activities of participants, invited guests and observers. Users will be held financially responsible for any damage caused by attendees, participants, guests and observers.

The event sponsor is responsible for the cleaning of the facility upon completion of the event including the removal of all trash, cleaning of furniture, carpets, glass and floors unless arrangements for custodial services have been made in advance and the appropriate deposit paid. Failure to return the space, and any portion of the facility used during the event, to the condition offered prior to the event constitutes a misuse of the space. Event sponsors shall be held financially responsible for any costs incurred by the Board of Education for cleaning.

-OVER-

Additional Responsibilities of Sponsors of Events with 100 People or more

Users must provide police supervision of any activity expected to involve the presence of 100 or more people. Arrangements for police supervision and payment of any and all associated fees are the responsibility of the event sponsor. The Board of Education reserves the right to terminate any event at which 100 or more people are present in the absence of police supervision.

Sponsors of events in excess of 250 attendees must contact the fire marshal's office at 860-355-6099

The user is responsible for and must obtain all necessary permits required of all agencies having regulatory authority over the space. These agencies include, but are not limited to the Town of New Milford Fire Marshal's Office, The Town of New Milford Building Inspector's Office, and the Town of New Milford Health Department. Failure to obtain necessary permits does not relieve the user of the facility from paying reservation and rental fees.

Limitation of Space

- Use of the facilities electrical, plumbing, lighting and mechanical systems is limited to existing capacities. No provisions for additional electrical power shall be provided without prior arrangement. The user may not in anyway permanently or temporarily alter, modify, extend, or adjust the existing electrical, mechanical or lighting systems within the space used or any portion of the facility.

The introduction of decorations, partitions, illuminated and non-illuminated signage, displays and similar construction is prohibited. The introduction of any such materials into the facility requires approval by Facilities Department in advance of the event and may also require approval of The Town of New Milford Fire Marshal and the Town of New Milford Building Department.

School property, teachers or students that may be present in rooms at the time of an event are not to be disturbed in any way.

Space is reserved in as is condition. There is no warranty, express or implied, that the space can accommodate the intended use of the event sponsor.

Combustion of any kind is expressly forbidden in any space, in any portion of the facility and on all grounds surrounding the facility.

The presence of alcohol, drugs, and drug paraphernalia is expressly forbidden to occur on the property.

Food may not be introduced, prepared, or consumed within the facility or on its grounds without the advance permission of the Board of Education.

Phones, intercom systems, cable television systems etc. are not available unless arrangements are made in advance.

Payments

Rental fees and fees for custodial services are to be paid net 30 days from invoice date. Non-payment or repeated late payment of fees may result in cancellation of future events and/or termination of reservation privileges.

A minimum of one food service employee must be present during activities where kitchen facilities are used. Organizations will be charged accordingly. *Please contact the Food Service Department at 860-354-3712 for information.*

For Office Use Only
Equipment Needed:
 Sound System
 Mats
 Auditorium Screen
 Other _____

Date _____

PERMIT No. _____

**NEW MILFORD BOARD OF EDUCATION
APPLICATION FOR USE OF SCHOOL FACILITIES**

Check appropriate building:

High School _____ Schaghticoke _____ Hill & Plain _____ Northville _____ Lillis _____ Sarah Noble _____

The undersigned submits the following information for application and approval of school facilities. A current copy of insurance declarations page must also be submitted:

Name of Applicant and/or Organization: _____

Address: _____

Represented by: _____ Telephone No.: _____

Dates Requested: _____ Time: From: _____ to _____

Space Requested: _____ Alternate Space: _____

Lavatory facilities needed? Yes _____ No _____ Kitchen facilities needed? Yes _____ No _____

Applicant is a Corporation or Association..(The following is the name and address of the chief officer of such Corporation or Association.)

Name: _____ Title: _____

Person in charge of and responsible for event:

Name: _____ Home No. _____ Work No. _____

Address: _____

The space will be used for the following purpose(s):

Admission of \$ _____ (will, will not) be charged)

SIGNATURE REQUIRED ON THE BACK OF WHITE COPY

FOR OFFICE USE ONLY

FEES:

Application Labor Rental Approx. amount _____ per hour
 Grounds Custodian A.V. Tech Approx. amount _____ per day
 Turf Roster Utilities

APPROVAL: Building Principal: _____ Date: _____ Facilities Manager: _____ Date: _____

CC: Theatre Food Service Athletics Youth Agency

USE OF SCHOOL FACILITES

Complete and sign ONLY if agency of the Town of New Milford or the New Milford Board of Education.

The use of school facilities is under the control and supervision of the Board of Education. The Board has adopted policies, regulations and procedures pertaining to the use of school facilities, which apply only as they may be interpreted to conform with the provisions set forth in the General Statutes.

In as much as the schools of the community have been built with public funds and are supported by the citizens of the community, the Board of Education wishes to do all that is possible, consistent with the provisions of the General Statutes of the State of Connecticut to make school facilities available to community organizations.

The applicant organization is a department or affiliate of the New Milford Public School System or an agency of the Town of New Milford.

Date: _____

Signature: _____

-OR -

Complete and sign if corporation or organization is not affiliated with the Town of New Milford or the New Milford Board of Education.

In consideration of the grant of permission to use school facilities, _____
(applicant)

Hereby agrees to indemnify and save the New Milford Board of Education harmless against all claims, demands, suits, judgements, or other forms of liability, including legal fees and costs, if any, which may arise out of the use of the school grounds and/or facilities. A current and valid certificate of insurance in an amount not less than \$1,000,000 is on file with the Mayor's Office.

I hereby certify that the use for which this space is requested conforms to the permitted uses of school buildings.

Date: _____

Signature: _____

(President, Chairman or chief Officer of Organization or his/her Designee)

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *The second sentence of the first paragraph can be deleted. The federal Pro Children Act of 2001 was contained within No Child Left Behind but remains on the books. It prohibits smoking in educational facilities which Conn. Gen. Stat. § 19a-342 does as well. The reference to Public Act 14-76 which prohibits vaping in schools can now be deleted because it has been codified in the statute books under Conn. Gen. Stat. § 19a-342a which is added as a legal reference.*

1331(a)

Community Relations

Smoking

The Board of Education is convinced, on the basis of substantial scientific and medical evidence, that smoking poses a serious hazard to the health of smokers and non-smokers alike. ~~In addition, the Board believes that a school system, as an institution committed to the positive growth and development of young people that it serves.~~

For the purpose of this policy, the term “smoking” includes the use of vapor products and electronic devices that simulate smoking by delivering nicotine or other substances by the inhalation of a vapor.

Students

There shall be no smoking or any other unauthorized use of tobacco by students in any school building or school vehicle at any time, or on any school grounds or at any time when the student is subject to the supervision of designated school personnel, such as when the student is at any school function, extracurricular event, field trip, or school related activity such as a work-study program.

An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

Staff and Public

It is the policy of the Board of Education, consistent with Connecticut General Statutes, to prohibit smoking within school buildings at all times, and to prohibit smoking on school grounds while school is in session or student activities are conducted. Breaks by employees to smoke or use tobacco products are considered recreational activities. If an employee takes a break from work to smoke or use tobacco products or leaves school grounds at any time for any reason other than district business, including to smoke or use tobacco products, he/she will not be considered to be acting within the normal course and scope of employment.

Community Relations

Smoking

Legal Reference: **The Pro Children Act of 2001, 20 U.S.C. §§ 7181-7184**

Connecticut General Statutes

19a-342 Smoking prohibited in certain places. Signs required. Penalties.

19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties.

21a-242 Schedules of controlled substances.

53-198 No smoking on buses

14-275c-2 Regulations of Department of Transportation

~~Public Act 14-76, "An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention."~~

Policy adopted: May 7, 2001
Policy revised: December 10, 2002
Policy revised: June 9, 2009
Policy reviewed: October 15, 2013
Policy revised: October 14, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *The suggested revisions on the first and second pages are meant to clarify when and under what conditions police and other law enforcement officials may question students on school grounds. The Board of course does not have the authority to direct law enforcement questioning of students outside of school, but when law enforcement seeks to come on to school grounds without express legal permission to do so (i.e. with a warrant or in “hot pursuit”) the Board can set the conditions for law enforcement to come on to school property and interact with students, staff, etc. For instance, if the police in a non-emergency situation wish to question a student on school grounds, but refuse to wait for the student’s parent(s) to arrive – as would be required under this policy – then the police officer in question should be denied the opportunity to interview the student on school grounds. The same analysis applies to the District’s use of school resource officers. The Board has discretion with respect to how SROs interact with students on school grounds.*

Legal believes the “Questioning Suspect” section overlaps with the “Questioning of Students by Police” section so suggests consolidating those sections as shown below. Clause added re student questioning being conducted in as confidential manner as possible. This is a fairly common provision that many districts include in their Relations with Law Enforcement policies.

The last section on Notification of Student Arrest has been added to correspond to requirements found in Conn. Gen. Stat. § 10-233h that require local or state police to notify superintendents when a student has been arrested for a Class A misdemeanor or felony or for certain other crimes. Pursuant to the law, the Superintendent must maintain such information confidentially and may only disclose the fact of the arrest to certain staff members.

1411(a)

Community Relations

Relations With Police Authorities

It is the policy of the Board to cooperate with law enforcement agencies in the interest of the welfare of all citizens. **Law enforcement officials may enter school facilities if a crime has been committed on District property or to investigate matters concerning staff and students upon request initiated by either law enforcement officials or by District administrators.** At the same time, the school system has the responsibility for the welfare of the students while they are in the care of the schools. To carry out this responsibility, school officials should observe the following:

A student is not immunized from the law because of his **or her** status as a student, nor is the school building a sanctuary from the law or the proper actions of law enforcement personnel. Whenever the police is **are** in “hot pursuit:” of a person suspected of criminal activity based upon probable cause to believe that a crime has been committed or when they have a search warrant or an arrest warrant, they shall be admitted **within school facilities** in the exercise of their ~~designated~~ **legal** authority.

Community Relations

Relations With Police Authorities

In other situations, however, the interest of the individual, the students at large, and the school community may best be served by entrusting primary responsibility for the maintenance of order to school personnel. The **Superintendent of Schools and building Principal principals** shall have the authority, except as noted above, to exclude the police from the school when police intervention is considered unwarranted.

Questioning Of Students By Police

Questioning of students by police or other law enforcement personnel generally will not take place on school grounds. However, if police indicate that student questioning on school grounds is necessary, then school officials may permit law enforcement personnel on school grounds to question students without requiring presentation of a warrant, subject to the following conditions:

1. The questioning of students by the police will be conducted with strict regard for the constitutional rights of the student to remain silent. Notice of these rights should be given to students by the police as standing procedure;
2. **When police or other law enforcement officials wish to question a student, the building principal, or his or her designee, shall notify the student's parent(s) or guardian(s) and request that they be present during the questioning. If the investigation deals with matters of public safety which require speedy investigation, and the student's parent(s) or guardian(s) cannot be reached, or cannot be present, then the principal, or his or her designee, must be present during the questioning. In addition, even if a parent or guardian is present, the school administration may still be permitted to be present.**
3. **Students will be questioned in as confidential and inconspicuous manner as possible. Preferably, police officers will wear civilian clothes when conducting student interviews.**

When investigating a possible criminal violation occurring off school grounds or not part of a school program, police will be encouraged to question students in their homes. If the questioning deals with incidents other than those involving public safety, the questioning of the students will be delayed until the parent is present. Police and other law enforcement officials will make every effort to minimize distractions or disruption of school routines during the performance of their duties.

Community Relations

Relations With Police Authorities

The school administration retains the right to question student witnesses when conducting any investigation into misconduct, and need not obtain parental consent.

Incident On School Grounds - Questioning Complainant And Witnesses

The school administration retains the right to question student witnesses when conducting any investigation into misconduct, and need not obtain parental consent. However, a Principal or his/her designee may request an investigation by the police of an incident which occurred on school grounds or otherwise affects the operations of the schools. In such an instance, when the police are interviewing or are taking statements from a student complainant and/or witness who is not a suspect, it is for the police to notify the parent or guardian and invite the parent or guardian to be present, if the police so choose. If the parent or guardian is unable to be present, the Principal or his/her delegate will be present. In addition, even if a parent or guardian is present, the school administration may be permitted to be present.

Questioning Suspect

~~The school administration retains the right to question student witnesses when conducting any investigation into misconduct, and need not obtain parental consent. When the identification of the student(s) involved has been made and the police wish to question them, the Principal shall notify the parent(s) or guardian(s) and request that they be present during the questioning.~~

1. ~~If the investigation deals with matters of public safety which require speedy investigation, and the parents cannot be reached, or cannot be present, then the Principal or his/her delegate must be present during the questioning. In addition, even if a parent or guardian is present, the school administration may still be permitted to be present.~~
2. ~~If the investigation deals with incidents other than those involving public safety, the questioning of the students will be delayed until the parent is present.~~

Incident In The Community

~~Police questioning of students concerning incidents which occur in the community will normally not be done on school grounds except that in matters dealing with public safety and the community interest, the procedures in #1 above will be followed.~~

Removal Of Student By Police

Whenever the police remove a student from school premises, the Principal shall contact the student's parents and inform them that the student has been removed from school premises and is in the custody of the police.

Community Relations

Relations With Police Authorities

Notification of Student Arrest

Pursuant to Conn. Gen. Stat. § 10-233h, whenever the Superintendent receives oral, followed by written notification from the local police department or state police that a student was arrested for a Class A misdemeanor, a felony, or for selling, carrying, or brandishing a facsimile firearm, he or she shall maintain the written report in a secure location and the information in the report shall be maintained as confidential in accordance with Conn. Gen. Stat. § 46b-124. The Superintendent may disclose such information, when reported during the school year, only to the Principal of the school in which the student is enrolled or the supervisory agent of any other school in which the student is enrolled.

The Principal or supervisory agent may disclose such information only to special service staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purposes of assessing the risk of danger posed by the student to other students, school employees or property, and for the purpose of effectuating an appropriate modification of such student's educational plan or placement for disciplinary purposes. Such information with respect to a student under sixteen years of age shall be confidential in accordance with Conn. Gen. Stat. § 46b-124 and shall only be disclosed as provided in this section and shall not be further disclosed.

Legal Reference: Connecticut General Statutes
10-221 Boards of education to prescribe rules.

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

53a-185 Loitering in or about school grounds: Class C Misdemeanor

54-76j Disposition upon adjudication as youthful offender.

Policy adopted: May 7, 2001
Policy revised: June 9, 2009
Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Community Relations

Fire Department

Members of the Volunteer Fire Department and the Town Fire Marshal play a vital role in the school safety program. The Superintendent of Schools and administrative staff shall have the following responsibilities:

1. Establish and maintain relationships with the local Fire Marshal and Fire Departments.
2. Work with the faculty in determining the nature and timing of the Department's participation in the school program.
3. Coordinate and supervise planned activities.

As necessary or appropriate administrators shall seek the advice and cooperation of the Fire Marshal and Fire Department in:

1. Planning and conduct of fire drills.
2. Fire prevention education.
3. First aid, especially in fire related incidents.
4. Conforming to state and local fire codes.

(cf. 6114.3 Emergencies and Disaster Preparedness)

Policy adopted:
Policy reviewed:

May 7, 2001
October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *Legal speculates that the policy's double numbering may refer back to a time when there were separate policies regarding state and federal aid that were combined into one document. Many districts across the state use the same 1430/1440 numbering for this policy so it may date back to an old CABE-model. If the Board wishes to delete one of the numbers, they may.*

1430
1440

Community Relations

State and Federal Aid

In order to bring the full benefit of state and federal aid programs to bear upon the needs of the school system, it is the policy of the Board to maintain close liaison with the State Department of Education and appropriate federal agencies, and to cooperate with them fully in providing improved educational services.

The Superintendent should pursue all available grant sources to enhance the educational programs of the school system. The Superintendent shall notify the Board of the intention to submit grant proposals for funding. Board approval is required prior to grant acceptance.

Policy adopted:
Policy reviewed:

May 7, 2001
October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *Legal speculates that the policy's double numbering may refer back to a time when there were separate policies regarding private K-12 schools and private colleges that were combined into one document. If the Board wishes to delete one of the numbers, they may.*

1620
1640

Community Relations

Relations With Private Schools, Colleges and Universities

The District will cooperate with private schools, colleges and universities concerning student records and references in accordance with the law. Except as authorized by law, the written consent of the parent or the eligible student is required before confidential student information may be disclosed. The written consent must specify permission for disclosure, the purpose of the disclosure and the person to whom the records are to be disclosed.

Legal Reference: Connecticut General Statutes
10-15b Access of parent or guardian to student's records
10-76d-18 Regulations concerning children requiring special education
20 U.S.C Section 1232g Family Educational Rights and Privacy Act

Policy adopted: May 7, 2001
Policy revised: June 9, 2009
Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *The policy language closely tracks a statute in the criminal code – Conn. Gen. Stat. § 53a-217b – that concerns possession of a weapon on school grounds. The law specifies certain categories of people who can legally possess a firearm on school grounds. For instance, hunters traversing school property to get to a hunting area may carry unloaded firearms on school property. Also, motor vehicle inspectors are expressly allowed to carry firearms on school property.*

Notably, the law permits “peace officers” to carry on school grounds while engaged in the performance of their duties. State and local police, corrections officers, judicial marshals, etc. are considered “peace officers”. The key part of the law here is that a peace officer is only allowed to carry a firearm on school grounds if carrying on school grounds is in the performance of their duties. An off-duty police officer picking their son or daughter up from school who has their firearm on them would technically be breaking the law and the policy (if they carried in knowing violation of the law). The same would apply to a retired police officer, but it should be noted that a retired police officer or other official who is working as a security guard and has a license to carry a firearm would not be violating the law or the policy because carrying the weapon would presumably be pursuant to an agreement to serve as a security guard.

1700(a)

Community Relations

Possession of Firearms on School Property Prohibited

The New Milford Board of Education prohibits all persons who are in possession of a firearm from entering school property, except those persons specifically authorized to do so by state or federal law and in accordance with the provisions of this policy. This prohibition includes individuals who are otherwise in lawful possession of an unloaded firearm and traversing school property for the purpose of gaining access to lands open to hunting or other lawful purposes. The prohibition does not apply to police officers on duty, qualified school resource officers who are authorized by the Board to carry a weapon in furtherance of their duties or state motor vehicle inspectors while engaged in performance of their official duties.

Students are prohibited by the Board of Education from possessing firearms for any reason, whether otherwise lawful or not, in or on the real property comprising the public or private elementary or secondary school or at a school sponsored activity as defined in Subsection (h) of Section 10-233a.

(cf. 5114 - Suspension/Expulsion/Exclusion/Removal)

Legal Reference: Connecticut General Statutes

29-28 Permit for sale at retail of pistol or revolver. Permit to carry a pistol or revolver. Confidentiality of name and address of permit holder.

29-33 Sale, delivery or transfer of pistol and revolvers. Documentation requirements. Waiting period. Exempted transactions. Penalty.

Community Relations

Possession of Firearms on School Property Prohibited

Legal Reference: Connecticut General Statutes

53a-3 Definitions.

53a-217b Possession of a weapon on school grounds. Class D felony.

Public Act 16-55: An Act Concerning Recommendations by the Department of Motor Vehicles Regarding Hazardous Materials, Car Dealers, Electronic Registration, Student Transportation Vehicle Operators, Diversion Programs, Motor Vehicle Inspectors and Minor Revisions to the Motor Vehicle Statutes

Policy adopted: May 7, 2001
Policy revised: May 13, 2014
Policy revised: October 18, 2016

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Connecticut General Statutes Annotated
Title 53a. Penal Code (Refs & Annos)
Chapter 952. Penal Code: Offenses (Refs & Annos)
Part XXI. Miscellaneous Offenses

C.G.S.A. § 53a-217b

§ 53a-217b. Possession of a weapon on school grounds: Class D felony

Effective: October 1, 2016

Currentness

(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in [section 53a-3, \(1\)](#) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of [section 10-233a](#).

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in [subdivision \(9\) of section 53a-3](#), while engaged in the performance of such peace officer's official duties, (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education, or (5) by a motor vehicle inspector, designated under [section 14-8](#) and certified pursuant to [section 7-294d](#), while engaged in the performance of such motor vehicle inspector's official duties.

(c) Possession of a weapon on school grounds is a class D felony.

Credits

(1992, June Sp.Sess., P.A. 92-1, § 1; 1993, P.A. 93-416, § 7, eff. Oct. 1, 1993; 1994, P.A. 94-221, § 1; 1998, P.A. 98-129, § 15; 2001, P.A. 01-84, § 8, eff. July 1, 2001; 2016, P.A. 16-55, § 10.)

C. G. S. A. § 53a-217b, CT ST § 53a-217b

The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2019.

ITEM OF INFORMATION

COMMENTARY RE FOLLOW UP TO DEC 4, 2018 MEETING (Summary of Legal response provided in blue): *The references to Connecticut General Statutes § 7-194, 10-9, 10-21a and 10-21b are directed to the donation and use of school property but do not really apply in the limited circumstances addressed here and should be deleted. The Title IX reference remains.*

1325(a)

Community Relations

Advertising and Promotion

The resources of the New Milford Public Schools may not be used to advertise or promote goods or services to students if the primary purpose of such activity is to create commercial benefit for a non-school entity.

The Superintendent or designee shall:

1. Cooperate through announcements and distribution of program material, with a town agency or recognized non-profit organizations that benefit students and their families when such cooperation will not interfere, restrict or impair the educational program of the schools.
2. The Superintendent may announce or authorize to be announced, any lecture, play, film, or other community activity with educational value and consistent with the curriculum.

The appropriate Principal or designee shall:

1. Permit participation, which participation shall be at the option of the individual schools, in essay, art, science and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program.
2. Accept limited advertising on extra-curricular activity schedules and programs at the discretion of the Principal of the school involved.
3. Allow advertising for services in connection with class pictures, class rings and similar student activities approved by the appropriate administrator.

The Board recognizes that it is consistent with the intent of this regulation to allow the recognition of non-school entities in the following limited circumstances.

1. The Board may accept donations of goods or services which incorporate a recognition of the donating organization. The donating organization will obtain approval of the Superintendent with respect to the nature of the recognition prior to initiating the donation.

Community Relations

Advertising and Promotion

2. At extra-curricular or athletic events, the Superintendent may allow the use of vendor provided signage or paraphernalia directly related to the provisioning of goods and services, appropriate sponsor-provided signage or paraphernalia, or the inclusion of appropriate advertisements in programs related to the event.
3. The Board allows recognized PTO organizations to advertise and promote the activities sponsored by the PTO organizations. Any such communication shall clearly indicate that the activity is sponsored by the PTO.
4. Hours of operations and items to be sold in school stores are subject to approval of the Principal.

Legal Reference: ~~Connecticut General Statutes~~

~~7-194 Powers.~~

~~10-9 Bequests for educational purposes.~~

~~10-21a Accredited courses offered by employers.~~

~~10-21b Programs offered jointly by boards of education and business firms;
neighborhood assistance.~~

Title IX of the Educational Amendments of 1972.

Regulation adopted: September 19, 2017

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut