#### NEW MILFORD BOARD OF EDUCATION

New Milford Public Schools 50 East Street

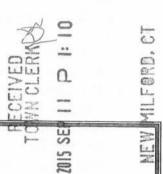
New Milford, Connecticut 06776

# POLICY SUB-COMMITTEE MEETING NOTICE

DATE: September 15, 2015

TIME: 6:45 P.M.

PLACE: Lillis Administration Building, Rm. 2



#### **AGENDA**

New Milford Public Schools Mission Statement

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

#### 1. Call to Order

#### 2. Public Comment

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. Policy for Review and Recommendation to the Board for Approval:
  - 1. 5113.1 Work Permits
- B. Policies Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:
  - 1. 3524.1 Hazardous Material in School Pest Management/Pesticide Application
  - 2. 4112.5/4212.5 Criminal History Inquiries & Employment Reference Checks
  - 3. 4118.25/4218.25 Reporting Child Abuse and Neglect
  - 4. 5113 Truancy
  - 5. 5114 Removal/Suspension/Expulsion
  - 6. 5121 Examination/Grading/Rating
  - 7. 5141.3 Health Assessments and Immunizations
  - 8. 5157 Use of Physical Force and Seclusion

#### 4. Items of Information

- A. Regulation Revisions:
  - 1. 4112.5/4212.5 Security Check/Fingerprinting
  - 2. 5114 Suspension and Expulsion/Due Process
  - 3. 5157 Use of Physical Force and Seclusion Procedures

#### 5. Public Comment

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## 6. Adjourn

Sub-Committee Members: David A. Lawson, Chairperson

Robert Coppola Daniele Shook John W. Spatola Alternates: Wendy Faulenbach

Theresa Volinski

# FOR REVIEW AND RECOMMENDATION FOR APPROVAL AT BOARD PRESENTATION

**Bold Italicized** language constitutes an addition

Commentary: May 2015 – Sections highlighted in gray should be reviewed for accuracy. If the school district no longer offers such programs, then these sections may be deleted. Consider whether the work-study student employment section may still be active for certain populations (such as students receiving special education).

Revisions to the section on working permits are consistent with Conn. Gen. Stat. 10-193 and State Department of Education guidance. The state manual regarding working papers may be accessed at: http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Career/WB/WP.pdf

5113.1(a)

## **Students**

#### **Work Permits**

#### **Employment of Students**

The Board of Education supports the employment of students as an educational experience in the world of work. Such experience includes (1) general employment of students inside or outside of school in which students obtain their own employment or are aided by placement services of the Guidance Department and the Department of Vocational Education; and (2) specific employment of students in state-approved training stations as part of funded work-study or vocational-study related programs as an extension of the cooperative work educational classroom activities.

## **School Employment**

Whenever feasible, the school system shall provide a program of part-time employment opportunities for high school students ages 15 and older to work within the schools under the supervision of qualified staff personnel. Such part-time employment shall be open to all students in keeping with their individual abilities and with the particular needs of the school(s) for student help. Employed students shall be paid for services rendered at least the minimum hourly wage rate. Student eligibility for employment shall be based upon full-time school attendance, good academic standing, and reliable work performance in assigned duties. In cases where it may be deemed essential, students may be scheduled for early school release to report to their designated training stations.

#### Student After-School Employment

If a student wants to work while attending school, guidance personnel shall make efforts to help them obtain employment. However, the student shall be cautioned against assuming work commitments that will interfere with studies and achievements in school.

#### Work-Study Student Employment

In cooperation with various local and area business and industries, the school system shall establish and maintain work-study programs for juniors and seniors in the high school. Such

#### **Work Permits**

#### Work-Study Student Employment (continued)

cooperative work-study programs are defined as programs of vocational education approved by the State Board of Education and the Commissioner of Labor for students, who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, provided these experiences are planned and supervised by the school and employers so that each contributes significantly to the student's education and to his/her employability.

Insofar as feasible, each of those work experience programs shall be tailored to meet the vocational needs of the individual students by his/her guidance counselor and teacher/coordinator, the first in guiding him/her in the choice of appropriate academic subjects as early as possible in his/her school career and the latter in the proper placement in the most relevant employment training station in his/her senior year.

Students enrolled in work-study programs such as diversified occupations, business and office occupations, marketing education, allied health, occupational food services, automobile mechanics, appliance repair, graphic arts, trade and industry occupations, etc., may earn a total of two Carnegie units per year (one for classroom, one for on-the-job training) toward graduation per year for their successful work experience and may be scheduled for early release time from school to report to their work experience assignments.

All work-study programs shall be conducted by the school system in accordance with state/federal education and labor department guidelines and regulations.

#### **Working Papers for Minors**

Statement of Age Forms are used as a verification of a minor's legal age for employment purposes. This employment certification is also commonly referred to as "working papers." Working papers are required for minors 16 and 17 years of age who desire nonhazardous jobs in any manufacturing, mechanical, service recreation, amusement, restaurant or mercantile establishment; minors 15 years of age who desire nonhazardous jobs in any mercantile establishment; and minors over 14 years of age who wish to work as a caddie or in a pro shop at any municipal or private golf course.

Minors age 14 to 18 (15-18) receive employment certificates from the Superintendent of Schools or his/her designated agent. in the town or city in which they live. The High School Principal is the designated agent in the district. Working papers are processed after school hours during school days and from 8:00 a.m.-12:00 noon during the summer and school vacations. The high school issues working papers only to resident students in the town.

#### **Work Permits**

## Working Papers for Minors (continued)

If a Connecticut resident secures employment in another state, that state issues the papers. A minor who is an out-of-state resident may apply to the Superintendent or designee for working papers if the prospective employment is located in New Milford. If a resident of another state work in Connecticut, that person may obtain the Connecticut certificate with the "promise to work" paper and proof of residency.

#### **Evidence of Age**

Applicants must appear in person, have evidence of age, and a written promise of employment. Satisfactory evidence of age can be shown by: Birth Certificate, Driver's License, Baptismal Certificates, Service ID's and (as a last resort) Information on School District Cumulative Records.

#### Written Promise of Employment

The written promise of employment is issued by the employer and must state exactly and specifically what the job is and must be signed by an officer of the employer. This form should be examined very carefully and if any changes or alternations appear, they should be verified with the employer. A state "promise of employment" form is generally used, but a written promise of employment on letterhead paper or regular stationery from an employer is acceptable.

#### **Working Papers**

Working papers are made out in triplicate -- one copy for the minor, one copy for the employer, and the original for school files. It should be signed, not typed, in the appropriate place by issuing officer. Records may be destroyed when the minor reaches 18 years of age.

Legal Reference:

Connecticut General Statues

10-193 Certificate of age of minors in certain occupations

10-194 Penalty

10-195 Evidence of age

10-197 Penalty for employment under fourteen

10-198 False statement as to age

Working Papers Manual - State Department of Education 2009

Policy adopted:

June 12, 2001

NEW MILFORD PUBLIC SCHOOLS

Policy reviewed:

June 12, 2007

New Milford, Connecticut

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: Sections 436-438 of Public Act 15-5, June Special Session, puts additional obligations on the school district regarding notice of applications and the use of the Board's website to provide such notice.

3524.1(a)

# **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 shall be given notice, at least annually, of the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is the 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

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

# **Business/Non-Instructional Operations**

#### **Hazardous Material in Schools**

# Pest Management /Pesticide Application (continued)

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.

#### Notice of policy

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.

# Website Notice of Applications

The school district's home page must indicate how parents may register for prior notice of pesticide applications.

Notice of pesticide applications shall be posted not less than twenty-four hours prior to such application through (A) the home page of the Internet website for the school where such application will occur, or, in the event such school does not have a website, on the home page of the Internet website for the Board, and (B) the primary social media account of such school or the Board.

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.

#### Summary of Applications Notice

By March 15th of each year, the Board shall send an annual notice via e-mail notification or alert system for applications made since January first of such year and a listing of such notices for applications made during the March fifteenth through December thirty-first

# **Business/Non-Instructional Operations**

#### Hazardous Material in Schools

timeframe from the preceding calendar year. This annual summary of applications shall also be published in parent handbooks, manuals or annual notices.

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.

Legal Reference:

Connecticut General Statutes

§10-231a Pesticide applications at schools: Definitions

§10-231b Pesticide applications at schools: Authorized applications. Ban. Exceptions.

§10-231d Pesticide applications at schools with an integrated pest management plan

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

22a-47(cc) Definitions

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.

22a-66a(a)(2) Notification of the application of pesticides

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

Policy adopted:

June 11, 2002

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

Policy revised: Policy revised: June 10, 2008 October 13, 2009

Policy revised:

March 8, 2011

Policy reviewed:

February 25, 2014

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: The suggested revision is from recent changes to the child protection statutes. Although this section is also in the Child Abuse Reporting policy, it should be included in this policy as well.

4112.5(a)

4212.5(a)

## Personnel - Certified/Non-Certified

# Criminal History Inquiries and Employment Reference Checks

The New Milford Public School System requires all applicants for employment to state whether he or she has ever been convicted of a crime or whether criminal charges are pending against him or her at the time of application. This includes convictions and charges inside or outside the State of Connecticut. Applicants must specify the relevant jurisdiction, approximate date, location and nature of each conviction or charge.

Applicants must also state if they are enrolled in a program of deferred adjudication (e.g., accelerated rehabilitation, pre-trial drug or alcohol education pursuant to C.G.S. §54-56g, and, if so, identify the jurisdiction in which such program is pending and provide an explanation of the nature of such program.

Applicants are not required to disclose the existence of criminal charges or convictions if the records have been erased and the school system will not refuse employment to an applicant because he or she had a prior arrest, criminal charge or conviction, the records of which were erased. Specifically, applicants will not be required to disclose the existence of any arrests, criminal charges or convictions that have been erased pursuant to Connecticut General Statutes §§ 46b-146, 54-76o, or 54-142a which includes erasure of (a) a finding of delinquency or that a child was a member of a family with services, (b) an adjudication as a youthful offender, (c) a criminal charge that has been dismissed or nolled, (d) a criminal charge for which the applicant had been found not guilty, and (e) a conviction for which the applicant received an absolute pardon.

All employees are required to submit to satisfactory state and national criminal history records checks within thirty days from their date of employment. This requirement applies to workers who are placed within a school under a public assistance employment program, who are employed by a provider of supplemental service pursuant to the No Child Left Behind Act or who are in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate where such workers perform services involving direct student contact. In addition, at the discretion of the Superintendent, this requirement may apply to a person employed as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate. Such checks will include fingerprinting or any other method of positive identification required by the State Police Bureau of Identification and the Federal Bureau of Investigation and will be at the expense of the employee. Fingerprinting and submission to state and national records checks does not apply to students employed by the school district where the student attends school.

#### Criminal History Inquiries and Employment Reference Checks (continued)

A copy of any notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Department of Education or a person employed by a provider of supplemental services shall be sent to the State Board of Education.

Criminal history records checks notifying the school system of a conviction previously not disclosed by the employee or a conviction that is related to the employee's fitness for the job are grounds for termination of employment. When a certified employee's contract of employment is terminated for such reason, the termination will be conducted in accordance with the statutory provisions governing certified-employee terminations found in section 10-151 of the Connecticut General Statutes. When a non-certified employee is dismissed for such reason, the employee will be notified of the reason and provided the opportunity to file with the New Milford Board of Education an answer to the conviction. This answer must be in writing. A copy of the notice of criminal conviction, the employee's answer and the notice of dismissal will be retained by the Board and treated as confidential personnel information to the extent permitted by law.

Substitute teachers may satisfy the requirement for state and national criminal history investigations by submitting to the Board the results of state and national criminal history records checks completed within the year prior to employment with the Board. The Board considers substitute teachers to be continuously employed for purposes of criminal history records check requirements as long as the Board employs him or her at least one day of each school year.

In addition to criminal background investigations, the school system performs employment reference checks before hiring applicants. Prior to offering an employment position to any person, the Superintendent or designee shall make a documented good faith effort to contact previous employers of the prospective employee in order to obtain information and recommendations which may be relevant to the person's fitness for employment. Any false or missing information with respect to previous employment may result in rejection of the applicant and render the applicant ineligible for future consideration. Any falsehoods discovered after hire may subject the employee to termination of employment.

#### **Prohibitions on Employment**

The Board shall NOT employ a person whose employment contract was previously terminated by a board or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or

# Criminal History Inquiries and Employment Reference Checks (continued)

Has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

Legal References: Conne

Connecticut General Statutes:

29-17a. Criminal history records checks. Procedure. Fees 31-51i Erased Criminal Records 10-221d Criminal History Records Check 10-222c Hiring Policy

Public Act 15-205, An Act Protecting School Children

Policy adopted: Policy revised:

December 9, 2003 October 18, 2005

Policy revised:

June 14, 2011

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: Public Act 15-205, "An Act Protecting School Children" made a number of changes to statutes regarding the reporting of child abuse. Since DCF has not yet updated their model policy to reflect the changes in the law, the appendices have been removed as they are outdated.

4118.25 (a)

4218.25 (a)

#### Personnel - Certified/Non-Certified

# Reporting Child Abuse and Neglect

The Board of Education recognizes the obligation and importance of reporting suspected child abuse and neglect. Many of the school district's employees are considered mandated reporters and have an independent duty under state law to report suspected abuse and neglect to the Department of Children and Families ("DCF") or other law enforcement agencies. Regardless of an employee's status as a mandated reporter, ALL employees of the school district are required to report suspected child abuse or neglect in accordance with this policy and applicable law.

#### **Definitions**

For the purposes of this policy, the following definitions shall apply:

- "Child" means any person under eighteen years of age or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program."
- "Abused" refers to a child who (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;
- "Neglected" refers to a child who (a) has been abandoned; (b) is being denied proper care and attention, physically, educationally, emotionally, or morally; or (c) is being permitted to live under conditions, circumstances, or associations injurious to the child's well-being;
- "Mandated reporters" are "School Employees" and specifically include: teachers, substitute teachers, administrators, superintendents, guidance counselors, psychologists, social workers, nurses, physicians, paraprofessionals, coaches or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district.

# Reporting Child Abuse and Neglect

#### **Definitions (continued)**

"Sexual assault" means the criminal conduct described in Conn. Gen. Stat. §§53a-70 (sexual intercourse by force or threat of force, or with a person unable to consent due to age or mental incapacity); 53a-70a (aggravated sexual assault); 53a-71 (includes sexual intercourse between a school employee and a student enrolled in the school district); 53a-72a (compelled sexual contact); 53a-72b (sexual contact with threat of firearm) or 53a-73a (sexual contact between a school employee and student enrolled in the school district).

Appendices A and B provide additional guidance regarding the operational definitions of child abuse and neglect, as well as the indicators of same according to DCF.

#### When to Report Abuse or Neglect

Reports must be made whenever an employee, in the ordinary course of his or her employment, has reasonable cause to suspect or believe that:

- 1. A child (as defined above) has been: abused or neglected; has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or has been placed in imminent risk of serious harm.
- 2. A student has been the victim of a sexual assault and the perpetrator is a school employee. "Student" means a person of any age who is being educated by a local or regional board of education or technical high school other than as part of an adult education program.
- 3. A full time student under the age of 21 has been abused or neglected by a member of the school staff.

A report must be made whenever an employee, in the ordinary course of his or her employment, has reasonable cause to suspect or believe that a child under the age of 18 has been:

- 1. Abused or neglected (as defined above);
- 2. Has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or
- 3. Has been placed in imminent risk of serious harm.

# Reporting Child Abuse and Neglect

#### Reasonable Cause

A reporter's suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim or third party. Such suspicion or belief does not require certainty or probable cause.

#### Reporting Procedure for Mandated Reporters

#### Oral Report to DCF within 12 hours

Mandated reporters must make an oral report by telephone (24 Hour Careline, 1-800-842-2288) or in person to the Department of Children and Families, or an appropriate law enforcement agency, as soon as practicable but not later than twelve (12) hours after having acquired reasonable cause to suspect or believe that a child *or victim* has been abused or neglected. The employee shall notify the Building Principal and Superintendent of Schools or designee immediately after the oral report has been made.

#### Written Report to DCF within 48 hours

Mandated reporters shall submit a written report to DCF within forty-eight (48) hours of making the oral report. The report shall be filed on form DCF-136 or other sufficient form provided by DCF. The reporter shall also provide a copy of the written report to the Building Principal and Superintendent of Schools, except when the Superintendent is the alleged perpetrator of the abuse or neglect. In making all written reports required under this policy, the reporter may use a form provided by DCF. Written reports of abuse or neglect by mandatory reporters shall include the following information, if known:

- 1. The names and addresses of the child *or victim* and his or her parents or other person responsible for the child's *or victim's* care;
- 2. The age of the child *or victim*;
- 3. The gender of the child *or victim*;
- 4. The nature and extent of the child's *or victim's* injury or injuries, maltreatment or neglect;
- The approximate date and time the injury or injuries, maltreatment or neglect occurred;
- Information concerning any previous injuries to, maltreatment of or neglect to the child or his or her siblings;
- 7. The circumstances in which the injuries, maltreatment or neglect came to be known to the reporter;

# Reporting Child Abuse and Neglect

#### Reporting Procedure for Mandated Reporters (continued)

- 8. The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- The reasons such persons are suspected of causing such injury or injuries, maltreatment or neglect;
- Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child;
- 11. Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

#### **Cooperation with Investigation**

A person reporting child abuse or neglect shall provide any person authorized to conduct an investigation of child abuse or neglect with all information related to the investigation that is in the possession or control of the person reporting the abuse or neglect, except as expressly prohibited by state or federal law.

Notwithstanding the provisions of Connecticut General Statutes §10-151c, upon request and for the purposes of an investigation of suspected child abuse or neglect by a teacher employed by the Board, the Board shall provide the Commissioner of DCF any records maintained or kept on file about said teacher. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board and records of personal misconduct. For the purpose of this requirement, "teacher" is defined as each certified professional employee below the rank of superintendent in a position requiring a certificate issued by the State Board of Education.

#### Reporting Procedure for Employees who are NOT Mandated Reporters

Employees of the school district who are not mandated reporters are required to report suspected abuse or neglect *and suspected sexual assault of a student by a school employee* as soon as possible but not later than twelve (12) hours after the employee has reasonable cause to suspect that a child has been abused or neglected. Such reports shall be made in writing to the Superintendent of Schools and the building administrator who shall act in accordance with his or her obligations as a mandated reporter.

# Reporting Child Abuse and Neglect

## Reporting Procedure for Employees who are NOT Mandated Reporters (continued)

Nothing in the reporting procedure outlined by this policy prevents employees who are not mandated reporters from also reporting suspected abuse or neglect directly to DCF or a law enforcement agency.

#### Procedures When a School Employee is the Alleged Abuser

#### Notification of Parent or Guardian

Whenever there is a report that a student has been abused or neglected 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 has been made.

#### Investigation by the Board of Education

The Board of Education shall permit and give priority to any investigation conducted by DCF or the appropriate law enforcement agency. The Board may conduct its own investigation of the alleged abuse or neglect *or sexual assault* by a school employee provided that such investigation does not impede an investigation by DCF. The Superintendent of Schools shall conduct his/her investigation upon receipt of notice from the Commissioner of DCF or the appropriate law enforcement agency that the Board's investigation will not interfere with the investigation of DCF or law enforcement.

When investigating Before interviewing a child in connection with the investigation of an allegation of abuse or neglect by a school employee, the Superintendent or designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child. The investigation shall include an opportunity for the suspected perpetrator to be heard with regard to the alleged abuse or neglect. During the course of the investigation, the Superintendent of Schools may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

Regardless of the outcome of any investigation by DCF or a law enforcement agency, the Superintendent of Schools may take disciplinary action against any school employee up to and including termination of employment *based upon the school district's investigation*. if the school district's investigation concludes that an employee engaged in abuse or neglect or otherwise violated the terms and conditions of employment.

# Reporting Child Abuse and Neglect

#### Procedures When a School Employee is the Alleged Abuser (continued)

#### Impact of DCF Findings on Mandatory Suspension of School Employees

If the Commissioner of DCF determines that there is reasonable cause to believe that a child has been abused or neglected by a school employee, and has recommended that such employee be placed on the DCF child abuse and neglect registry, the Superintendent shall suspend such employee with pay and without termination of benefits, and, within seventy-two (72) hours after issuance of the suspension, shall notify the Board of Education and the Commissioner of Education or his representative of the reasons for and conditions of the suspension. The suspension of a school employee who is employed in a position requiring a certificate shall remain in effect until the Board of Education acts pursuant to §10-151 of the Connecticut General Statutes. 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 or neglect or the employee resigns, the Superintendent shall notify the Commissioner of Education or his representative within seventy-two (72) hours after such termination or resignation. The suspension of a non-certified school employee shall remain in effect until the Superintendent of Schools or designee determines the appropriate disciplinary response, up to and including termination of employment.

#### Prohibitions on Employment:

The Board shall NOT employ a person whose employment contract was previously terminated by a board or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or

Has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

# Reporting Child Abuse and Neglect

#### **Training**

School employees who are mandated reporters and were hired on or after July 1, 2011 shall be required to complete a training program for the accurate and prompt identification and reporting of child abuse and neglect. School employees who are mandated reporters and were hired before July 1, 2011 are required to complete a refresher training program. All mandated reporters shall be required to complete the refresher training program at least once every three years.

Although only mandated reporters are legally required to complete abuse and neglect training and refresher training programs, the Superintendent of Schools, at his or her discretion, may require other school employees to complete such training.

The training and refresher training programs shall be developed and made available by the Commissioner of DCF in accordance with applicable law.

The principal for each school shall annually certify to the Superintendent of Schools that each school employee who is a mandated reporter working at the school is in compliance with the training requirements. The Superintendent of Schools shall certify that all school employees who are mandated reporters are in compliance with training requirements.

#### Confidential Rapid Response Team:

The Board hereby establishes a confidential rapid response team to coordinate with the DCF to ensure prompt reporting of suspected abuse or neglect or the suspected sexual assault of a student by a school employee and provide immediate access to information and individuals relevant to the department's investigation. The team shall consist of the Superintendent of Schools or designee, a teacher, a local police officer and other members designated by the Superintendent.

#### Child Sexual Abuse and Assault Awareness and Prevention

The Superintendent of Schools is authorized to implement a sexual abuse and assault awareness and prevention program developed by the State Department of Education in accordance with state law. The program should include training for teachers regarding the prevention, identification of and response to child sexual abuse and assault, information on resources to promote awareness, age-appropriate educational materials for students in grades K-12, and use of the uniform child sexual abuse and assault response policy and reporting procedure.

# Reporting Child Abuse and Neglect

#### **Records and Documentation**

All records pertaining to allegations, investigations or reports of child abuse or neglect by a school employee shall be maintained in a central location. Such records shall include any reports made to DCF. The Department of Education shall have access to such records.

The Board shall keep records establishing that school employees have completed training and refresher training programs as required by law.

The Board shall document the annual notification of this policy to school employees.

#### **Retaliation Prohibited**

Retaliation against a mandated reporter is prohibited. The Board will not discriminate, discharge or otherwise retaliate against an employee who acts in good faith to comply with this policy and the individual obligations of applicable state law.

#### Violation of this Policy

Employees who fail to report child abuse or neglect in a timely manner or otherwise violate the requirements of this policy and/or applicable law may face disciplinary action up to and including termination of employment.

#### **Delegation of Authority**

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 on his or her behalf.

#### **Notification of Policy**

This policy shall be distributed annually to all school employees.

Legal References:

Connecticut General Statutes 10-220 Duties of boards of education 10-220a In-service training

# Reporting Child Abuse and Neglect

10-221s Investigations of child abuse and neglect. Disciplinary action

10-151e Disclosure of teacher records for purposes of an investigation of child abuse or neglect

17a–101 Protection of children from abuse. Mandated reporters. Educational and training programs Model mandated reporting policy

17a–101a Report of abuse, neglect or injury of child or imminent risk of serious harm to child. Penalty for failure to report. Notification of Chief State's Attorney

17a-101b Oral report by mandated reporter

17a-101c Written report by mandated reporter

17a-101d Contents of oral and written reports

17a–101i Abuse or neglect by school employee or public or private institution or facility providing care for children. Suspension. Termination or resignation. Notification of state's attorney re conviction. Written policy re mandated reporting. Training programs

17a-101o School employee failure or delay in reporting child abuse or neglect

17a-101p Reports by persons not designated as mandated reporters. Notice to Commissioner of Education

17a-101q State-wide sexual abuse and assault awareness and prevention program

17a-103e Reports of child abuse and neglect by a school employee. Review of records and information

53a-65 Definitions

53a-70 Sexual assault in the first degree: Class B or A felony

53a-70a Aggravated sexual assault in the first degree: Class B or A felony

53a-71 Sexual assault in the second degree: Class C or B felony

53a-72a Sexual assault in the third degree: Class D or C felony

53a-72b Sexual assault in the third degree with a firearm: Class C or B felony

53a-73a Sexual assault in the fourth degree: Class A misdemeanor or class D felony Public Act 14-196, An Act Concerning State-Wide Sexual Abuse and Assault Awareness Program

"Model Policy for the Reporting of Child Abuse and Neglect," Connecticut Department of Children and Families.

Public Act 15-205, "An Act Protecting School Children"

Policy adopted: March 13, 2012 Policy revised: October 9, 2012

Policy revised: October 14, 2014

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

#### **APPENDIX A**

# Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators. The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut Department of Children and Families.

For the purposes of these operational definitions,

- child refers to any person under eighteen (18) years of age, or under twenty one (21) years of age and in DCF care
- a person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out of home care, including center based child day care, family day care, or group day care
- a person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child for the purpose of education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.

**Note:** Only a "child" as defined above may be classified as a victim of child abuse and/or neglect; only a "person responsible", "person given access", or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.

**Legal References:** Connecticut General Statutes §17a-93; §17a-103a; §17a-101, et. seq., as amended by P.A. 11-93; §46b-120.

#### **Physical Abuse**

#### A child may be found to have been physically abused who:

- has been inflicted with physical injury or injuries other than by accidental means,
- is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or
- · has injuries at variance with the history given of them.

#### Evidence of physical abuse includes:

- bruises, scratches, lacerations
- burns, and/or scalds
- reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.
- injuries to bone, muscle, cartilage, ligaments: fractures, dislocations, sprains, strains, displacements, hematomas, etc.
- head injuries
- internal injuries
- death
- misuse of medical treatments or therapies

- malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion
- deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child
- cruel punishment.

# Sexual Abuse/Exploitation Sexual Abuse/Exploitation

Sexual Abuse/Exploitation is any incident involving a child's non accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

- penetration: digital, penile, or foreign objects
- oral / genital contact
- indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim
- incest
- fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim
- sexual exploitation, including possession, manufacture, or distribution of child pornography. online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website
- coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior
- disease or condition that arises from sexual transmission
- other verbal, written or physical behavior not overtly sexual but likely designed to "groom" a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2215 Sexual Exploitation of Children.

# **Emotional Maltreatment-Abuse**

# **Emotional Maltreatment-Abuse is:**

- act(s), statement(s), or threat(s), which
- has had, or is likely to have an adverse impact on the child; and/or
- interferes with a child's positive emotional development.

# Evidence of emotional maltreatment abuse includes, but is not limited to, the following:

- rejecting;
- dearading;
- isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or
- exposing the child to brutal or intimidating acts or statements.

# Indicators of Adverse Impact of emotional maltreatment abuse may include, but are not limited to, the following:

- depression;
- withdrawal;
- low self-esteem;

- anxiety;
- fear;
- aggression/ passivity;
- emotional instability;
- sleep disturbances;
- somatic complaints with no medical basis;
- inappropriate behavior for age or development;
- suicidal ideations or attempts;
- extreme dependence;
- academic regression;
- and/or trust issues.

## **Physical Neglect**

# A child may be found neglected who:

- has been abandoned;
- is being denied proper care and attention physically, educationally, emotionally, or
- is being permitted to live under conditions, circumstances or associations injurious to his well-being; and/or
- has been abused.

# Evidence of physical neglect includes, but is not limited to:

- inadequate food;
- malnutrition;
- inadequate clothing;
- inadequate housing or shelter;
- erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;
- permitting the child to live under conditions, circumstances or associations injurious to his well-being including, but not limited to, the following:
  - substance abuse by caregiver, which adversely impacts the child physically
  - o substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs
  - o psychiatric problem of the caregiver which adversely impacts the child physically
  - exposure to family violence which adversely impacts the child physically
    - exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety
    - non accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances
    - voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, e.g. persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Reaistry
    - non-accidental or negligent exposure to pornography or sexual acts
    - inability to consistently provide the minimum of child-caring tasks
    - inability to provide or maintain a safe living environment
  - action/inaction resulting in death
  - abandonment
  - action/inaction resulting in the child's failure to thrive
  - -transience

- inadequate supervision: creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities
- holding the child responsible for the care of siblings or others beyond the child's ability
- failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

Note: Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.

# **Medical Neglect**

Medical Neglect is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

# Evidence of medical neglect includes, but is not limited to:

- frequently missed appointments, therapies or other necessary medical and/or mental health treatments;
- withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions;
- withholding medically indicated treatment from disabled infants with life threatening conditions.

Note: Failure to provide the child with immunizations or routine well child care in and of itself does not constitute medical neglect.

# **Educational Neglect**

Except as noted below, Educational Neglect occurs when, by action or inaction, the parent or person having control of a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate

- fails to register the child in school
- fails to allow the child to attend school or receive home instruction in accordance with CONN. GEN. STAT. §10-184
- failure to take appropriate steps to ensure regular attendance at school if the child is registered.

# Exceptions (in accordance with CONN. GEN. STAT. §10-184):

 A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

Note: Failure to sign a registration option form for such a child is not in and of itself educational neglect.

 A parent or person having control of a child sixteen (16) or seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

# **Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

# Evidence of emotional neglect includes, but is not limited to, the following:

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention and affection;
- permitting the child to live under conditions, circumstances or associations; injurious to his well-being including, but not limited to, the following:
  - substance abuse by caregiver, which adversely impacts the child emotionally;
  - psychiatric problem of the caregiver, which adversely impacts the child emotionally;
     and
  - exposure to family violence which adversely impacts the child emotionally.

# Indicators may include, but are not limited to, the following:

- depression;
- · withdrawal;
- low self-esteem;
- anxiety;
- fear;
- aggression/ passivity;
- emotional instability;
- sleep disturbances;
- somatic complaints with no medical basis;
- inappropriate behavior for age or development;
- suicidal ideations or attempts;
- extreme dependence;
- academic regression;
- trust issues.

#### **Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

# Evidence of Moral Neglect includes but is not limited to:

- stealing;
- using drugs and/or alcohol;
- and involving a child in the commission of a crime, directly or by caregiver indifference.

#### Appendix B

# INDICATORS OF CHILD ABUSE AND NEGLECT

# Indicators of Physical Abuse HISTORICAL

- Delay in seeking appropriate care after injury.
- No witnesses.
- Inconsistent or changing descriptions of accident by child and/or parent.
- Child's developmental level inconsistent with history.
- History of prior "accidents".]
- Absence of parental concern.
- Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent.
- Unexplained school absenteeism.
- History of precipitating crisis

#### PHYSICAL

- Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso;
- Clusters of skin lesions; regular patterns consistent with an implement;
- Shape of lesions inconsistent with accidental bruise;
- Bruises/welts in various stages of healing;
- Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges;
- Fractures/dislocations inconsistent with history;
- Laceration of mouth, lips, gums or eyes;
- Bald patches on scalp;
- Abdominal swelling or vomiting;
- Adult size human bite mark(s);
- Fading cutaneous lesions noted after weekends or absences;
- Rope marks.

#### BEHAVIORAL

- Wary of physical contact with adults;
- Affection inappropriate for age
- Extremes in behavior, aggressiveness / withdrawal;
- Expresses fear of parents;
- Reports injury by parent;
- Reluctance to go home;
- Feels responsible (punishment "deserved");
- Poor self-esteem;
- Clothing covers arms and legs even in hot weather.

# Indicators of Sexual Abuse

- Vague somatic complaint;
- Excessive school absences;
- Inadequate supervision at home;
- History of urinary tract infection or vaginitis;
- Complaint of pain; genital, anal or lower back/abdominal;
- Complaint of genital itching;
- Any disclosure of sexual activity, even if contradictory.

#### PHYSICAL

- Discomfort in walking, sitting;
- Evidence of trauma or lesions in and around mouth;
- Vaginal discharge/vaginitis;
- Vaginal or rectal bleeding;
- Bruises, swelling or lacerations around genitalia, inner thighs;
- Dysuria;
- Vulvitis;
- Any other signs or symptoms of sexually transmitted disease;

· Pregnancy.

#### BEHAVIORAL

- Low self-esteem;
- · Change in eating pattern;
- Unusual new fears;
- Regressive behaviors;
- Personality changes (hostile/aggressive or extreme compliance);
- Depression;
- Decline in school achievement;
- Social withdrawal; poor peer relationship;
- Indicates sophisticated or unusual sexual knowledge for age;
- Seductive behavior, promiscuity or prostitution;
- Substance abuse;
- Suicide ideation or attempt;
- Runaway.

# Indicators of Emotional Abuse

- Parent ignores/isolates/belittles/rejects/scapegoats child
- Parent's expectations inappropriate to child's development
- Prior episode(s) of physical abuse
- Parent perceives child as "different"

#### PHYSICAL

- (Frequently none);
- Failure to thrive;
- Speech disorder;
- Lag in physical development;
- Signs/symptoms of physical abuse.

#### BEHAVIORAL

Poor self-esteem

- Regressive behavior (sucking, rocking, enuresis)
- Sleep disorders
- Adult behaviors (parenting sibling)
- Antisocial behavior;
- Emotional or cognitive developmental delay;
- Extremes in behavior overly aggressive/compliant;
- Depression;
- Suicide ideation/attempt.

# Indicators of Physical Neglect HISTORICAL

- High rate of school absenteeism;
- Frequent visits to school nurse with nonspecific complaints;
- Inadequate supervision, especially for long periods and for dangerous activities;
- Child frequently unattended; locked out of house;
- Parental inattention to recommended medical care
- No food intake for 24 hours;
- Home substandard (no windows, doors, heat), dirty, infested, obvious hazards;
- Family member addicted to drugs/alcohol.

#### PHYSICAL

- Hunger, dehydration;
- Poor personal hygiene, unkempt, dirty;
- Dental cavities/poor oral hygiene;
- Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day;
- Constant fatigue or listlessness;
- Unattended physical or health care needs;
- Infestations;
- Multiple skin lesions/sores from infection.

#### BEHAVIORAL

- Comes to school early, leaves late;
- · Frequent sleeping in class;
- Begging for/stealing food;
- Adult behavior/maturity (parenting siblings);
- Delinquent behaviors;
- Drug/alcohol use/abuse.

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: Public Act 15-225, An Act Concerning Chronic Absenteeism, requires schools to monitor and report on chronic absenteeism. Schools that have high rates of chronic absenteeism must establish attendance review teams. In addition, the new law requires the State Department of Education to define "disciplinary absence," but the state has until January of 2016 to do so. Therefore, additional revisions of this policy should be anticipated after Jan 1.

5113(a)

## **Students**

## Truancy

#### Attendance

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The attendance policy is intended to promote student success.

The New Milford Board of Education requires parents to ensure that their children attend school regularly during the hours and terms the public schools are in session.

Regular attendance at school is not only required by state law, but is an integral component in student success and a matter of self-discipline which will prove important later in life. Class time is an invaluable opportunity for students and teachers to interact with each other and exchange ideas. It is also the forum for a wide range of learning opportunities which cannot be duplicated outside of the classroom. Therefore, in order to avail themselves of the maximum opportunity for learning, students need to be present in each and every class.

The success of a student is determined by the cooperative effort of the student, parents, school, and the community. Failure of these groups to live up to their responsibilities can result in failure for the student. For this reason, responsibilities must be clearly defined and followed.

The procedures and regulations shall be in accordance with Board policy and Connecticut State law. The Superintendent shall insure that administrative procedures and disciplinary actions for student attendance will be contained in each student/parent handbook.

Procedures and regulations shall be maintained and implemented for the schools to provide ageappropriate measures which promote regular and punctual attendance. Schools that share the same grade levels shall have the same procedures and regulations. The procedures and regulations shall clearly define the responsibilities of parents and students regarding attendance in class and school, tardiness, early dismissal, completion of missed work, and other areas which affect the classroom learning experience.

# Truancy

## Attendance (continued)

The Principal will give annual written notice to parents/guardian of their obligations according to Connecticut General Statute 10-184. At the beginning of each academic year -- or, in the case of students who enroll during the school year, at the time of enrollment -- the school district will require from the parents/guardians a telephone number where they can be contacted during the school day (i.e. from first bell to dismissal).

The official school day, during which all students are the responsibility of the high school, begins when the student either boards a school bus to come to school or otherwise when the student arrives on campus for the day. Students may neither get off the bus prior to arrival at school nor may they leave campus once they have arrived, without prior approval of the Principal or the Principal's designee.

#### Standards

# A. Student Responsibilities

- To attend all classes except for reasons stated under "Excused Absence" and to be punctual.
- 2. To report directly to the Attendance Office or School Office when tardy to school, in accordance with school procedures.
- 3. To notify teachers of anticipated absence and to make arrangements to make up work promptly upon return from an excused absence. In the case of an extended absence, to seek faculty assistance if needed and to make up work in a reasonable time frame.
- To communicate with parents, teachers, and/or school administrators any problems related to lack of attendance and/or tardiness to school or any class.
- To report one's own absences from school or class in accordance with school procedures if one is legally emancipated.

# **B.** Parent Responsibilities:

- To communicate and work cooperatively with the school for the benefit of the student.
- To emphasize the importance of regular attendance and punctuality. To authorize only those absences that are included under "Excused Absence." Also, to make every effort to schedule appointments and vacations outside of school hours.
- 3. To contact the school regarding an absence or tardy the morning of that absence or tardy.

## Truancy

#### Standards (continued)

4. To assist students with arrangements to seek faculty assistance and make up missed work resulting from an absence.

#### C. School Responsibilities:

- 1. To take all actions necessary to ensure the success of the student, including parent conferences, counseling, and interaction with the community in making use of community services.
- 2. To keep accurate attendance records.
- 3. To notify parents promptly (when parents have not called the school) of all absences whether, for one class or the entire school day.
- 4. To arrange opportunities for the students to make up missed tests, quizzes and assignments resulting from absences, upon their return to school. In the case of extended absence, to prepare with the student a plan for faculty assistance and an opportunity to make up work in a reasonable time frame.

## D. Community Responsibilities:

- 1. To realize that the success of students contributes to the success of the community.
- 2. To encourage regular school attendance as a prerequisite for student employment.
- 3. To encourage area businesses to refrain from allowing students to congregate during school hours.
- 4. To encourage medical and dental offices to arrange student appointments outside of school hours.
- 5. To do all that is possible under current state law to ensure that all students attend school regularly.

#### **Definitions**

- 1. **Truant** Shall mean a student age 5 18 inclusive who has four unexcused absences in any one month or ten unexcused absences in one school year.
- Tardy A student shall be considered tardy if he/she arrives at class after classes have begun.
- 3. **Absence** any non-attendance of an enrolled student. A student is considered to be in attendance if present at his/her assigned school, or an activity sponsored by the school (e.g. field trip), for at least half of the regular school day.
- Disciplinary Absence an absence that is the result of school or district disciplinary action such as an out-of-school suspension or expulsion. Disciplinary absences are neither excused nor unexcused.

## Truancy

#### **Definitions** (continued)

- 5. **Documentation of absence** a written explanation of the nature of and the reason for the absence as well as the length of the absence. This includes a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. Separate documentation must be submitted for each incidence of absenteeism. Non-English speaking parents/guardians may submit documentation in their native language.
- 6. Excused Absence A student's non-attendance from school shall be considered excused if written documentation of the reason for the absence has been submitted within ten school days of the student's return to school or in accordance with Section 10-210 of the Connecticut General Statutes (when the school medical advisor provides notice to a parent or guardian that a student has symptoms of a communicable disease) and meets the following criteria:
  - A. For <u>absences one through nine</u>, a student's absences from school are considered excused when the student's parent/guardian approves such absence and submits appropriate documentation; and
  - B. For the <u>tenth absence and all absences thereafter</u>, a student's absences from school are considered excused for the following reasons:
    - student illness (all student illness absences must be verified by an appropriately licensed medical professional to be deemed excused, regardless of the length of absence);
    - 2. student's observance of a religious holiday;
    - 3. death in the student's family or other emergency beyond the control of the student's family;
    - 4. mandated court appearances (additional documentation required):
    - 5. the lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation is required for this reason); or
    - 6. extraordinary educational opportunities pre-approved by district administrators and in accordance with Connecticut State Department of Education guidance.

# Truancy

#### **Definitions** (continued)

- C. Up to ten absences will be considered excused for students to visit with parents or legal guardians who are active members of the armed forces and have been called to duty for, are on leave from or have immediately returned from deployment to a combat zone or combat support posting. The Board of Education may grant additional excused absences for such purposes.
- Unexcused absence Any absence that does not meet the criteria for an excused absence (including proper documentation) or a disciplinary absence.
- 8. Dismissal No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

  No teacher may permit any individual student to leave school prior to the regular hour of dismissal without the permission of the Principal.

  No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.
- 9. Chronically Absent Child a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten per cent of the total number of days that such student has been enrolled at such school during such school year.

#### Attendance

Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until age six or seven. The parent or person having control of a child of age five or six shall exercise such option by personally appearing at the school district office and signing an option form. At such time, school personnel shall provide the parent or person with information on the educational opportunities available in the school system. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age seventeen.

## Truancy

#### Attendance (continued)

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The Board of Education requires that accurate records be kept of the attendance of each child, and students should not be absent from school without parental knowledge and consent.

Parents and guardians shall be notified when a student has reached nine (9) absences and reminded of the stricter rules that apply to further absences for the remainder of the school year.

The Superintendent of Schools or designee shall periodically audit a small percentage of the documentation provided for student absences in order to ensure general compliance with this policy.

### **Excessive Absences/Truancy**

It is the policy of the Board of Education to monitor school attendance so as to identify students who are truant, and to enlist the cooperation of parents and, when necessary, the juvenile justice system, in order to address the problem when it arises. The following truancy procedures are hereby adopted:

For purpose of these procedures, "Parent" means the parent, guardian or other person having control of a child.

- 1. Whenever a student in grade K-8 is absent from school on a regularly scheduled school day and no indication has been received by school personnel that the parent or other person having control of the child is aware of the student's absence, school personnel or volunteers under the direction of the building principal shall make a reasonable effort to notify the parent of the student's absence. Notification shall be by telephone and by mail. The mailed notice shall include a warning that two unexcused absences from school in a month or five unexcused absences in a year may result in a complaint filed with the Superior Court that the child's family is a family with service needs.
- 2. When a student is identified as a truant, the Superintendent or his/her designee will conduct a meeting with the parent, the student, if appropriate, and with such school personnel where involvement is determined appropriate. The meeting will occur not later than ten (10) school days after the child's fourth (4<sup>th</sup>) unexcused absence in a month or the tenth (10<sup>th</sup>) unexcused absences in a school year and will be for the purpose of reviewing and evaluating the reasons for truancy. In reviewing and evaluating the reasons for the student's truancy, the participants of the meeting should consider the appropriateness of referring the student to the school's [Student Assistance Team] or

# Truancy

#### Excessive Absences/Truancy (continued)

planning and placement team. At the meeting, school personnel shall be designated to coordinate services with and referrals of children to community agencies providing child and family services if appropriate.

3. If the parent of a child who is a truant fails to attend the meeting held pursuant to paragraph 2 above, or fails to otherwise cooperate with the school in attempting to solve the truancy problem, the Superintendent will file not later than fifteen (15) calendar days after such failure to attend or failure to cooperate, a written complaint with the Superior Court pursuant to Connecticut General Statutes §46b-149, alleging that the acts or omissions of the child are such that his/her family is a family with service needs.

#### Chronic Absenteeism

The Board will report data to the state regarding the number of students who are truant and chronically absent as required by law. In the event that a school experiences high rates of chronic absenteeism, the Superintendent will form an attendance review team to address the problem. Such attendance review teams may utilize resources developed by the State Department of Education for chronic absenteeism prevention and intervention.

Legal References:

Connecticut General Statutes

10-184 Duties of parents

10-185 Penalty

10-198a through 10-202 Attendance, truancy - in general

10-220 Duties of boards of Education

10-221 Boards of education to prescribe rules, policies and procedures

46b-149 Child from family with service needs

Connecticut State Board of Education Definitions of Excused and Unexcused Absences Adopted June 27, 2012

Connecticut State Board of Education Statewide Definition of Attendance for Public School Districts in Connecticut, Adopted January 2, 2008.

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

# **Students**

# Truancy

Legal References (continued)

Connecticut State Department of Education's "Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention," April 2013

Policy adopted:

June 12, 2001

Policy revised: Policy revised: June 24, 2004

Policy revised:

June 12, 2007 June 8, 2010

Policy revised:

October 11, 2011

Policy revised:

October 9, 2012

Policy revised:

October 8, 2013

Policy revised:

October 14, 2014

# NEW MILFORD PUBLIC SCHOOLS New Milford, Connecticut

# ANNUAL NOTIFICATION OF PARENTAL OBLIGATIONS UNDER C.G.S. 10-184

Connecticut law requires that annually the school district provide you a written notice of your obligations under Connecticut General Statute 10-184. This law requires each parent or guardian of a child five years of age and older and under eighteen years of age to ensure that the child attends school regularly when school is in session — unless such parent or other person shows that the child is receiving equivalent instruction elsewhere, or that the child has graduated from high school. Parents or persons having control of a child five or six years of age have the option of not sending the child to school until age six or seven by personally appearing at the school district office and signing an option form. The parent or person having control of a child seventeen years

Regular student attendance is essential to the educational process. So that we can inform you if your child is absent without a previous explanation, Connecticut laws also require that we obtain from you a telephone number or other means of contacting you during the school day. Please complete and return the form attached.

of age may consent to such child's withdrawal from school by signing a withdrawal form at the

from you a telephone number of complete and return the form atta	contacting you	during the	school day.	Please
Thanks for your cooperation.				
Sincerely,				
Principal				

Dear (Parent Name),

school district office.

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: Public Act 15-96 made numerous changes regarding suspension and expulsion of students in pre-K to grade 2. The following revisions are required by those changes. Additional minor revisions suggested with regard to capitalizing "Board" and "Superintendent."

5114(a)

# **Students**

# Removal/Suspension/Expulsion

## SECTION I DEFINITIONS

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

# Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

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

# Removal/Suspension/Expulsion

# SECTION I <u>DEFINITIONS</u> (continued).

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

#### SECTION II REMOVAL FROM CLASS

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

### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C below will be cause for suspension and/or expulsion when such conduct:
  - 1. Violates a publicized policy or code of student conduct in effect in the schools; or
  - 2. Seriously disrupts the educational process; or

# Removal/Suspension/Expulsion

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

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

# Removal/Suspension/Expulsion

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

- Possession or transmission of any weapon, including but not limited to any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument.
- 9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
- 10. Possessing, *smoking* or consuming tobacco products *or using vapor products and electronic devices that simulate smoking by delivering nicotine or other substances by the inhalation of a vapor on school grounds; if other than a high school student, or consuming such products if a high school student;*
- 11. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
- 12. Intentional and successful incitement of truancy by other students;
- 13. Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school.
- 14. Any violation of the Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individuals' race, color, national origin, sex, age, disability, sexual orientation, gender identity or expression or religion;
- 15. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
- 16. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person in charge of such building or facility;
- 17. Making false bomb threats or other threats to the safety of students, staff members and/or other persons;

# Removal/Suspension/Expulsion

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

- Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
- 19. Create, use, access, upload, download, possess, transmit or distribute profane, pornographic, obscene, sexually explicit, harassing, threatening or illegal material or communications including but not limited to electronic data and communications;
- Violation of any other Board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment and;
- 21. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property.
- D. Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm in violation of Connecticut General Statutes §29-35, or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Connecticut General Statutes §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

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

E. Students in kindergarten, first and second grade may not be expelled except for mandatory reasons as described in the previous paragraph and in section V below.

# Removal/Suspension/Expulsion

# SECTION IV SUSPENSION PROCEDURE

A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10) days, of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

Suspensions shall be in-school suspensions, unless during the suspension hearing, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension. except an out-of-school suspension may be imposed if:

#### GRADES K to 2:

the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

#### **GRADES 3-12:**

the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

# Removal/Suspension/Expulsion

## SECTION IV SUSPENSION PROCEDURE (continued)

- B. In the case of suspension, the school administration shall notify the Superintendent of schools within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the a member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section—VB. V(B) of this policy is first granted.
- E. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in Section V(B) of this policy is first granted.
- F. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
- G. The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

# Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES

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

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel, except that when only three Board members are presiding at the hearing, a unanimous vote shall be required for expulsion.
- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or *Board* board chairperson, as appropriate, but shall include the right to:
  - 1. Notice of the proposed hearing which shall include:
    - a. a statement of the time, place, and nature of the hearing;
    - b. a statement of the legal authority and jurisdiction under which the hearing is to be held:
    - reference to the particular sections of the Connecticut General Statutes or school policies involved;
    - d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished;

# Removal/Suspension/Expulsion

## SECTION V EXPULSION PROCEDURES (continued)

- e. a statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VII on Alternative Educational Opportunity);
- f. information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
- 2. The opportunity to be heard;
- The opportunity to present witnesses and introduce documentary evidence;
- The opportunity to cross-examine adverse witnesses and challenge the introduction of documentary evidence;
- 5. The opportunity to be represented by counsel; and
- 6. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
  - All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
  - 2. Questions and offers of proof, objections and rulings on such objections;
  - 3. The decision of the Board of Education rendered after such hearing; and
  - 4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.

# Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- D. Rules of evidence at expulsion hearings shall include the following:
  - Any oral or documentary evidence may be received by the Board of Education, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  - 2. The Board of Education shall give effect to the rules of privilege recognized by law;
  - 3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  - 4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
  - 5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts:
  - 6. The Board of Education may take notice of judicially cognizable facts in addition to facts within the *Board's* board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
  - 7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made. A transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
- F. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the *Board* board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G. Except as provided for in Section VII, any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law-

## Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- H. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall not be expunged at any time if the expulsion was based upon possession of a firearm or deadly weapon and the student was in grade nine through twelve. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. The expulsion notice may be expunged from the student's record prior to graduation if the student has demonstrated to the Board that his/her conduct and behavior in the years following the expulsion warrants expungement.
- I. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the *Board* board of education shall complete the expulsion hearing and render a decision.
- J. Except in cases where an expulsion is based upon the possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the Board. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action
  - must be expunged from the cumulative education record if the student graduates from high school or, if the Board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the Board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.
- K. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the *Board* board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the *Board* board of education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.

## Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- L. In addition to such rights specified in Section J, above, an expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
- M. A student requiring special education and related services as described in Connecticut General Statutes §10-76a(5)(A) shall not be referred to an expulsion hearing until a planning and placement team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled.

The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section VII, below, whenever a student requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

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

# Removal/Suspension/Expulsion

## SECTION V EXPULSION PROCEDURES (continued)

accommodations plan to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

### SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN

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

#### SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

State statutes do not require the Board of Education to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §821a-277 and 21a-278.

# Removal/Suspension/Expulsion

## SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY (continued)

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

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

#### SECTION VIII GUN FREE SCHOOLS ACT

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

#### SECTION IX PRE-SCHOOL PROGRAMS

- A. As used in this section, "preschool program provider" means a local or regional board of education, state or local charter school or interdistrict magnet school that offers a preschool program. No preschool program provider shall expel any child enrolled in such provider's preschool program, except an expulsion hearing shall be conducted, in accordance with the provisions of subsection B, below, whenever there is reason to believe that any child enrolled in such preschool program was in possession of a firearm, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if, at the expulsion hearing it is determined, that the child did so possess such a firearm. A preschool program provider may modify the period of expulsion for a child on a case-by-case basis.
- B. An expulsion hearing required under this subsection shall be conducted by (1) the program provider, as set forth above, or (2) the board of education, in accordance with section V above, if (a) the preschool program provider is the board of education, or (b) the preschool program provider is a regional educational service center or a state or local charter school pursuant to an agreement between such preschool program provider and the board of education, Unless an emergency exists, as set forth in section I, above, no child shall be expelled under this subsection without a formal hearing held pursuant to section V. If an emergency exists, such hearing shall be held as soon after the expulsion as possible.

# Removal/Suspension/Expulsion

## SECTION IX PRE-SCHOOL PROGRAMS (continued)

C. No preschool program provider may authorize a suspension of a child enrolled in such provider's preschool program, unless the suspension is an in-school suspension. Except that an out-of-school suspension may be imposed if the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

Legal references:

18 U.S.C. §921 Definitions

20 U.S.C. §7151, et seg., Gun Free Schools Act

20 U.S.C. §1415 Individuals with Disabilities Education Act

#### Connecticut General Statutes

4-176e	through 4-180a, 4-181a Administrative Procedures Act
10-76a	Definitions
10-76d	Duties and powers of boards of education to provide special
	education programs and services
10-222d	Safe school climate plans. Definitions. School climate
	assessments
10-233a	Definitions
10-233b	Removal of pupils from class
10-233c	Suspension of pupils
10-233d	Expulsion of pupils
10-233e	Notice as to disciplinary policies and action
10-233f	In-school suspension of pupils. Reassignment
10-233g	Reports of principals to police authority concerning physical
	assaults upon school employees by students
10-233h	Arrested students
21a-240	Definitions
21a-277	Penalty for illegal manufacture, distribution, sale, prescription,
	dispensing
21a-278	Penalty for illegal manufacture, distribution, sale, prescription
	or administration by non-drug-dependent person
53a-3	Definitions
53-206	Carrying of dangerous weapons prohibited
53a-217b	Possession of a weapon on school grounds: Class D felony

# Removal/Suspension/Expulsion

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

Policy revised: November 13, 2007
Policy revised: November 18, 2008
Policy revised: December 14, 2010
Policy revised: October 11, 2011
Policy revised: June 11, 2013
Policy revised: October 14, 2014

NEW MILFORD PUBLIC SCHOOLS New Milford, Connecticut

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

**Bold Italicized** language constitutes an addition

Commentary 2015: State law regarding mastery examinations has changed with regard to 11<sup>th</sup> graders. Since this is a constantly evolving area, one option to avoid repetitively revising this policy would be to simply state that mastery examinations shall be administered in accordance with state law and not specify which grades take which tests.

5121(a)

## Students

# Examination/Grading/Rating

The Board of Education seeks, through performance objectives in its instructional program, to make achievement both recognizable and possible for students.

The issuance of grades on a regular basis serves to promote a process of continuous evaluation of student performance, to inform the student, the student's parents and counselor of his/her progress, and to provide a basis for bringing about change in student performance, if such change seems necessary.

Evaluation of student progress is a primary responsibility of the teacher. Every teacher shall maintain an evaluation record for each student in the teacher's classroom.

Students shall take statewide mastery examinations as required by Connecticut General Statutes §10-14n. Each student enrolled in grades three to eight inclusive and ten or eleven shall take a statewide mastery examination in reading, writing and or mathematics. Each student in grade five, eight, and ten or eleven in any public school shall take a statewide mastery examination in science. Students in grade eleven shall take a nationally recognized college readiness assessment, approved by the State Board of Education, that measures essential and grade-appropriate skills in reading, writing and mathematics.

[-OR: Students shall take statewide mastery examinations as required by Connecticut General Statutes §10-14n.]

Achievement of a satisfactory score on the mastery or proficiency test shall not be required as the sole criterion for promotion or graduation.

(cf. 5124 - Reporting to the Parents)

(cf. 5125 - Student Records)

(cf. 6146 – Graduation Requirements)

(cf. 6146.2) – Statewide Proficiency/Mastery Examinations)

(cf. 6180 – Evaluation of the Instructional Program)

# Examination/Grading/Rating

Legal References: Connecticut General Statutes

10-14m Development and submission of educational evaluation and remedial

assistance plans. Contents of plan.

10-14n Statewide mastery examination.

10-14o Compensatory education grant. Financial statement of expenditures.

10-14q Exceptions. (Students to whom provisions do not apply.)

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

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

10-209 Records not to be public.

10-221a High school graduation requirements.

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

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

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Falvo v. Owasso Ind. Sch. Dist. 99-5130 (10th Circuit-2000)

Policy adopted: June 10, 2003 NEW MILFORD PUBLIC SCHOOLS Policy revised: June 12, 2007 New Milford, Connecticut

Policy revised: June 8, 2010 Policy revised: June 9, 2015

# RECOMMENDED FOR REVISION AND APPROVAL AT INITIAL BOARD PRESENTATION

Bold Italicized language constitutes an addition

Commentary 2015: Public Acts 15-174 and 242 have amended the requirements for religious exemption to immunizations. SDE has provided model forms (attached).

5141.3(a)

# **Students**

#### **Health Assessments and Immunizations**

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

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

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

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

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

Students may be exempt from immunization requirements only in accordance with state law. To claim a religious exemption, an exemption form must be submitted to the school nurse before enrolling the student for the first time and before entering seventh grade. The exemption form must be submitted with an properly signed acknowledgement.

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

(cf. 5111 - Admission)

(cf. 5141.31 - Physical Examinations for School Programs

(cf. 5125 - Student Records)

#### **Health Assessments and Immunizations**

Legal References: Connecticut General Statutes

10-204a Required immunizations

10-204c Immunity from liability

10-205 Appointment of school medical advisers

10-206 Health assessments

10-207 Duties of medical advisors

10-206a Free health assessments

10-208 Exemption from examination or treatment

10-208a Physical activity of student restricted; board to honor notice

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

10-212 School nurses and nurse practitioners.

10-214 Vision, audiometric and postural screenings. When required. Notification of

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

parents re defects; record of results.

Policy adopted: June

June 12, 2001

Policy revised:

June 12, 2007

Policy revised:

October 11, 2011

Policy revised: Ma

March 12, 2013



# State of Connecticut Department of Public Health Religious Exemption Statement

8	(Printed full, legal name of studen	nt)				
I, the u	undersigned, do hereby swear or aff	firm, as the case may be as follows:				
1.	I am making this Religious Exemption Statement pursuant to Conn. Gen. Stat. § 10-204a so that the student may enroll in school for the first time or enter seventh grade at school.					
2.	I am the lawful □parent □guardian of the student.					
3.	Immunizing said student would be contrary to $\square$ student's $\square$ parent's $\square$ guardian's religious beliefs.					
4.	I understand that by claiming this exemption the student shall be exempt from the immunizations required by Conn. Gen. Stat. §§ 10-204a and 19a-7f.					
5.	susceptible children, including the determines that the school is a significant the community. In such case, such until: (1) the public health official becomes ill with the disease and community.	preventable disease outbreak at the above student will be excluded from school is nificant site for disease exposure, transmit children, including the student shall be determined that the outbreak danger has completely recovers from it; (3) the child of; or (4) the child has proof of immunity	f a public health official nission and spread into e excluded from school s ended; (2) the child I is vaccinated			
Name(s) of Parent(s)		Signature of Parent(s)/Guardian(s)	Date			
Name(s) of Parent(s)		Signature of Parent(s)/Guardian(s)	Date			
Addre	ess (Street & House or Apt. no.)	Telephone(s) no.				
City, S	State and Zip Code					

TO CLAIM A RELIGIOUS EXEMPTION, AN EXEMPTION FORM MUST BE SUBMITTED TO THE PUBLIC OR NON-PUBLIC SCHOOL BEFORE ENROLLING IN THE SCHOOL FOR THE FIRST TIME  $\underline{AND}$  BEFORE ENTERING SEVENTH (7<sup>TH</sup>) GRADE.

# ACKNOWLEDGEMENT

STATE OF CONNECTICUT	:	
	: ss:	
COUNTY OF	_ :	
On this the day of,	, before me,	the
undersigned officer, personally appeared _	known to me (	or satisfactorily proven)
to be the person whose name he or she sub	scribed to the within instrument and a	cknowledged that he or
she executed the same for the purposes the	rein contained.	
In witness whereof I hereunto set my hand.		
odes J. andres Sakodettikka patakapanet sakotot 162 207 kinakki dataka ketra etderakape ≢tota 1664 kinak bajaa		
	Judge	
	Family Support Magistrate	
	Clerk/Deputy Clerk (include seal)	
	Town Clerk	
	Notary Public My Commission exp	pires (
	Justice of the Peace	
	Commissioner of the Superior Cou	rt (bar no.
	School Nurse (license no	

# ITEM OF INFORMATION REGULATION REVISION

4112.5(a) 4212.5(a)

#### Personnel – Certified/Non-Certified

# Security Check/Fingerprinting

Each applicant for a position within the public school system shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Prior to hiring, each applicant for a position with the Board of Education shall submit to a records check of the Department of Children and Families child abuse and neglect registry. Each person hired by the school system, including nonpaid, noncertified individuals completing requirements for certification who will have direct student contact, shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

- No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Personnel Office. This packet shall also contain all documents and materials necessary for the Regional Service Center to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
- 2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
- 4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/ employee to respond to the results of the criminal record check. In addition, the State Department of Education Certification Bureau will be notified on any such record.

#### Personnel – Certified/Non-Certified

# Security Check/Fingerprinting (continued)

- Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
- 6. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be refingerprinted after fulfilling the initial requirement. Continuous employment for the purpose of this regulation means "employed at least one day of each school year" by the board of education.
- 7. The Board shall NOT employ a person whose employment contract was previously terminated by a board or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or

Has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

Legal Reference:

Connecticut General Statutes

10-221d Criminal history records checks of school personnel.

Fingerprinting. Termination or dismissed.

Public Act 15-205, An Act Protecting School Children

Regulation approved:

December 9, 2003

NEW MILFORD PUBLIC SCHOOLS

Regulation revised:

May 21, 2013

New Milford, Connecticut

# ITEM OF INFORMATION REGULATION REVISION

5114(a)

## **Students**

# Suspension and Expulsion/Due Process

All school district employees share responsibility for supervising the behavior of students to help them meet standards of conduct established by the Board of Education or the school administration.

In working with students, emphasis shall be placed upon developing effective self-discipline as the most effective disciplinary approach.

#### Suspension

Suspensions shall be in-school suspensions unless during the informal suspension hearing the administration determines that the student facing suspension poses such a danger to persons or property or such disruption of the educational process that the student must receive an out-of-school suspension or the administration determines that an out-of-school suspension is appropriate for such student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. except an out-of-school suspension may be imposed if:

#### GRADES K to 2:

the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

#### GRADES 3-12:

the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the board of education. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion."

# Suspension and Expulsion/Due Process

#### Suspension (continued)

When the Principal or other responsible administrator has determined that there is cause for suspension of a student, unless an emergency exists, the following procedures shall be observed:

- The student shall be given an informal hearing before the Principal or his/her designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible.
- The Principal or his/her designee shall make every possible attempt to reach the parent or guardian of the student, stating the charges against the student and the terms and conditions of the suspension.
- 3. Whether the telephone contact is made or not, the Principal or his/her designee shall forward a letter to the parent or legal guardian at the last known address according to school records (unless a newer address is determined) within one school day of the suspension, stating the charges and the terms and conditions of the suspension, and offering the parent or legal guardian the opportunity for a conference to discuss the suspension.
- 4. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension.
- 5. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.
- 6. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any class work, including examinations, without penalty, which were missed during the suspension.
- 7. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
- 8. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In addition, such notice may be expunged at the discretion of the administration in cases where the suspension period is shortened or waived due to the student's successful completion of a program or conditions specified by the administration.

# Suspension and Expulsion/Due Process

#### Suspension (continued)

The foregoing procedure will be followed unless the student has had a total of ten suspensions during the current school year, or has been suspended for a total of fifty days during the current school year. If the student's proposed suspension would exceed either figure, the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion.

#### Regulations

The disciplinary regulations are designed and implemented to ensure the successful operation of the educational program and to instill the prevailing societal values of responsibility and respect for regulations for all students.

## I. The most common types of student offenses:

- a. Tardies to class (homeroom)
- b. Cuts
- c. Disrupting class
- d. Loitering
- e. Smoking
- f. Fighting
- g. Insubordination

## II. Forms of staff disciplinary action:

- a. Verbal warnings
- b. Parental conference (letter, telephone, interview)
- c. Referral to the Assistant Principal; Student notification of the infraction

### III. Supportive agencies utilized to resolve disciplinary problems:

- a. Guidance Department
- b. Special Education Department
- c. Police Department's Youth Liaison Officer
- d. Community Youth Officer
- e. Community Liaison Officer

#### IV. Procedures

- a. After two referrals, a letter may be sent to the home informing the parents of the infractions and requesting a parental conference.
- b. The parent and/or student are responsible for clarifying any questions relating to any referral listed on the letter of notification.

# Suspension and Expulsion/Due Process

## Regulations (continued)

- A third referral places the student in jeopardy of being suspended for a three-day period.
- d. There are four terms within a school year.
- e. The Principal/Assistant Principal is responsible for administering disciplinary policy.

#### V. Alternatives

State law requires that prompt referrals be made to the special education Planning and Placement Team for students who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory.

#### **Expulsion**

Any Principal or other responsible administrator of the school system may recommend expulsion of a student pursuant to Board Policy No. 5114. All administrators shall review Board Policy No. 5114 annually and ensure that students are made aware of conduct that may result in suspension and/or expulsion.

The procedures leading to expulsion are as follows:

- 1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
- 2. If the student receives special education and related services or has been identified as eligible for accommodations pursuant to Section 504 of the Rehabilitation Act, the Director of Special Education must be immediately notified of a request for expulsion. Prior to any expulsion hearing, the Planning and Placement Team or 504 Team must meet to determine whether the conduct in question was a manifestation of the student's disability.
- 3. Upon receipt of an expulsion request the Superintendent will conduct an inquiry. Preschoolers and students in kindergarten, first and second grade may not be expelled except in limited circumstances as provided in Board Policy 5114.
- If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education promptly after the inquiry.

# Suspension and Expulsion/Due Process

## Expulsion (continued)

- 5. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language. Administrators requesting expulsion shall notify the Superintendent of any need for translation services for the student or the student's parent.
- 6. Whenever a student against whom a expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall completed the expulsion hearing and render a decision.
- 7. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the procedures established by Board Policy 5114.

#### **Annual Notice**

The Superintendent shall provide for an effective means of informing all students and their parents and guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

Regulation approved:

June 12, 2001

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

Regulation revised: Regulation revised: November 18, 2008 December 14, 2010

Regulation revised:

February 26, 2013