

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

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

**DATE:** February 6, 2018  
**TIME:** 6:45 P.M.  
**PLACE:** Lillis Administration Building - Rm. 2

RECEIVED  
TOWN CLERK

2018 FEB - 1 A 8: 21

NEW MILFORD, CT

**AGENDA**

**New Milford Public Schools Mission Statement**

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

**1. Call to Order**

**2. Public Comment**

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

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

**3. Discussion and Possible Action**

- A. Policies Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:
  - 1. 4112.5/4212.5 Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers
  - 2. 4118.112/4218.112 Sexual and Other Unlawful Harassment
  - 3. 5114 Removal/Suspension/Expulsion
  - 4. 5157 Use of Physical Force
  - 5. 6146.2 Statewide Mastery Examinations

**4. Discussion**

- A. Policy series 1000 – Chairman's update

**5. Public Comment**

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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.

**6. Adjourn**

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

**Alternates: Brian McCauley  
Bill Dahl**

**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

*COMMENTARY: Public Act 17-220 amends 2016's "Pass the Trash" law by defining the term "former employer" so that the "look-back period" for an applicant's former employers is limited to twenty-years. This change is designed to make the employment background check process easier for boards of education and applicants since the Pass the Trash law technically required employing boards of education to make good faith efforts to contact every one of an applicant's former "direct student" contact employers regardless of when the applicant worked for the employer (i.e. thirty-five years ago, etc.).*

*The suggested change below simply incorporates the definitions found in the Pass the Trash law and Public Act 17-220's "former employer" amendment. The definitions mirror the definitions stated in Conn. Gen. Stat. § 10-222c(k). Incorporating the definitions into the policy allows the "former employer" change to be incorporated throughout the policy without major language changes throughout the document.*

**4112.5(a)**

**4212.5(a)**

## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

#### **I. Definitions**

- 1. "Sexual misconduct" means any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student.**
- 2. "Abuse of a child or youth" means (a) inflicting physical injury or non-accidental injuries; (b) inflicting injuries that do not match the story associated with their origin; or (c) maltreatment, including malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment.**
- 3. "Neglect of a child or youth" means (a) abandonment; (b) denial of proper care and attention physically, educationally, emotionally, or morally; or (c) allowing the child to live under conditions, circumstances, or associations injurious to the child's well-being.**



## Personnel – Certified/Non-Certified

### Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

4. "Abuse and neglect" also means sexual assault as defined in the Connecticut General Statutes (Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a).
5. "Former employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with the board of education.

#### I. Background Checks

The New Milford Public School System requires all applicants for employment to: 1. State whether they have ever been convicted of a crime or whether criminal charges are pending against them; 2. submit to a records check of the Department of Children and Families ("DCF") child abuse and neglect registry before hire and; 3. submit to satisfactory state and national criminal history records checks within thirty days from the date of initial employment. Additionally, applicants for positions involving direct student contact must provide the Board with information, authorizations and releases allowing the Board to investigate an applicant's abuse, neglect or sexual misconduct history prior to hire.

#### A. Criminal History Checks

When stating whether they have ever been convicted of a crime or whether criminal charges are pending against them applicants must disclose 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.



## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

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 automatically refuse employment to an applicant because such applicant 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 service needs, (b) an adjudication as a youthful offender, (c) a criminal charge that has been dismissed or nulled, (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 applicants 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. 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. Security check and fingerprinting activities shall be performed by Board personnel in accordance with applicable administrative regulations. Additionally, criminal justice information accessed or maintained by the New Milford Public Schools shall be maintained in accordance with applicable administrative regulations.

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

## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

General Statutes. When a non-certified employee is dismissed for such reason, the employee will be notified of the reason for dismissal.

#### **B. Abuse, Neglect or Sexual Misconduct Inquiries**

In addition to criminal background investigations, the school system performs employment reference checks before hiring applicants. Prior to offering employment to any applicant the Board shall make a documented good faith effort to contact each current and any former employer of the applicant that was a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or if such employment otherwise caused the applicant to have contact with children. The Board shall not offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact without first performing the activities described in this section.

1. List of Prior School Employers: At the outset of the application process the Board shall require applicants for positions having direct student contact to provide the Board with a list of the name, address and telephone number of each current or former employer, if such current or former employer was a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or if such employment otherwise caused the applicant to have contact with children.
2. Contact Authorization: In addition to providing the Board with a list of current and prior school employers, applicants for positions having direct student contact must also provide the Board with written authorization that consents to and authorizes the disclosure of certain information by the employers identified in the list of school employers described above. Such authorization must authorize the identified employers to provide the Board with the following information:
  - a. The dates of employment of the applicant;



## Personnel – Certified/Non-Certified

### Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

- b. A statement as to whether the employer has knowledge that the applicant:
  - (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated;
  - (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or
  - (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct.
3. State Department of Education Authorization: Additionally, applicants for positions having direct student contact must provide the Board with written authorization that consents to and authorizes disclosure by the State Department of Education (“SDE”) of information and related records concerning:
  - a. The applicant’s eligibility status for employment for a position requiring a certificate, authorization or permit issued by the State Board of Education;



## Personnel – Certified/Non-Certified

### Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

- b. Whether the SDE has knowledge that a finding of abuse or neglect or of sexual molestation has been substantiated by DCF against the applicant and any information concerning such a finding; and
  - c. Whether the SDE has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.
4. Release: Applicants for positions having direct student contact must further provide the Board with written authorization that releases the employers identified in the applicant's current and former employer list as described above and the SDE from liability that may arise from such disclosure or release of records pursuant to the preceding paragraphs.
5. Written Statement Concerning Abuse or Neglect or Sexual Misconduct: Finally applicants for positions having direct student contact must provide the Board with a written statement of whether he or she:
  - a. Has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated;
  - b. Has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Section 17a-101g of the Connecticut General Statutes of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct; or

## Personnel – Certified/Non-Certified

### Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

- c. Has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the SDE or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the SDE of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
6. Prior Employer Contact: Board personnel shall conduct a review of the employment history of the applicant by making a good faith effort to contact those employers listed by the applicant as required above. Such review shall be conducted using a form developed by the SDE. Such review may be conducted by Board personnel either telephonically or through written communication. A good faith effort requires that Board personnel make at least three telephonic requests of listed prior employers on three separate days.
7. State Department of Education Contact: Board personnel shall request that the SDE provide the Board with information concerning:
  - a. The eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit issued by the State Board of Education;
  - b. Whether the SDE has knowledge that a finding has been substantiated by DCF of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding; and
  - c. Whether the SDE has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.



## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

The Board shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or who resigned from such employment if such person has been convicted of a violation of Connecticut General Statutes section 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

#### II. State Department of Education Notification

Should the Board receive information that an applicant for a position with the Board or an employee of the Board has been disciplined for a finding of abuse or neglect or sexual misconduct it shall notify the SDE of such information.

#### III. Temporary Employment Pending Background Check Inquiry

- A. The Board may employ or contract with an applicant on a temporary basis for a period not to exceed ninety days, pending the Board's review of requested information as described above, provided that prior to the commencement of employment:
  - 1. The applicant has provided the Board with all requested information, authorizations and releases;
  - 2. The Board has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the Board; and
  - 3. The applicant affirms that the applicant is not disqualified from employment with the Board.

#### IV. Board Responses to Background Check Inquiries

- A. Background Check Inquiries From Local and Regional Boards of Education, Charter and Magnet Schools



## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

The Board authorizes and directs its human resources personnel to provide the following information concerning a current or former Board employee to representatives of a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator if such information is requested pursuant to a pre-employment background check inquiry:

1. Dates of employment;
2. Positions held with the Board;
3. Salary or rate of pay;
4. A statement as to whether the Board has knowledge that the current or former employee:
  - (a) has been the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated;
  - (b) has been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct;
  - (c) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct;
5. Any other information that the Board has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

## **Personnel – Certified/Non-Certified**

### **Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers**

#### B. Background Check Inquiries From Contractors

The Board authorizes and directs its human resources personnel to provide any information the Board has concerning whether there was a finding of abuse or neglect or sexual misconduct against a current or former Board employee to representatives of a contractor that places applicants in positions involving direct student contact if such information is requested pursuant to a pre-employment background check inquiry conducted by the contractor.

#### V. Substitute Teachers

##### A. Criminal History Checks

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. Notwithstanding their continuous employment, all substitute teachers must submit to state and national criminal history record checks at least once every five years.

##### B. Abuse, Neglect or Sexual Misconduct Inquiries

The Board shall not offer employment to a person as a substitute teacher unless such person and the Board have complied with the abuse, neglect and sexual misconduct investigation requirements set forth in Section I, B of this policy. The Board shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The Board shall only hire persons as substitute teachers who are listed on such list. Such person shall remain on such list as long as such person is continuously employed by the Board and as long as the Board does not have any knowledge as to why a person should be removed from such list.

#### VI. Prohibitions on Employment

The Board shall NOT employ a person whose employment contract was previously terminated by a board of education, governing council of a state or local charter school, interdistrict magnet school operator or other school employer or who resigned from such employment if such person:



4112.5(k)  
4212.5(k)

## Personnel – Certified/Non-Certified

### Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

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 References: Connecticut General Statutes:  
29-17a. Criminal history records checks. Procedure. Fees  
31-51i Erased Criminal Records  
10-221d Criminal history and child abuse and neglect registry records checks of school personnel. Fingerprinting. Termination or dismissal. Denial of application for and revocation of certification.  
~~Conn. Gen. Stat. Ann. § 10-221d (West)~~  
10-222c Hiring Policy

Policy adopted: December 9, 2003  
Policy revised: October 18, 2005  
Policy revised: June 14, 2011  
Policy revised: October 13, 2015  
Policy revised: October 18, 2016

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

*COMMENTARY: Public Act 17-127 makes it illegal to discriminate against and/or harass someone because of their status as a veteran. The law applies to employment and public accommodations. Adding the phrase "status as a veteran" to the list of protected classes as shown below, complies with the new law. A "veteran" is defined under the law to mean any person honorably discharged from, or released under honorable conditions from active service in, the armed forces.*

**4118.112(a)**

**4218.112(a)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, volunteer, student or visitor based on sex, sexual orientation, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability, or genetic information **or status as a veteran**. All forms of harassment are prohibited whether verbal, physical or visual, and regardless of the medium through which it occurs. Such harassment violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and/or the Connecticut Fair Employment Practices Act.

This policy prohibits sexual and other unlawful harassment by employees, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

#### Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

#### Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

- Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual;
- The conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment; or

Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Sexual harassment includes a wide range of behaviors - from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a social setting may not be appropriate in the school and work environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

#### Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Suggestive or obscene letters, notes, all electronic messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault;
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;



## Personnel -- Certified/Non-Certified

### Sexual and Other Unlawful Harassment

- Discussion of one's own sexual activities or inquiries into others' sexual experiences;
- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and
- Inappropriate attention of a sexual nature.

#### Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

#### Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information or **status as a veteran** is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information, **status as a veteran** or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information, **status as a veteran** or any other basis prohibited by local, state and federal law;



## Personnel -- Certified/Non-Certified

### Sexual and Other Unlawful Harassment

- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information, **status as a veteran** or any other basis prohibited by local, state and federal law.

### Complaint Procedure

All members of the school community are responsible for helping to assure that sexual and other unlawful harassment is avoided. Any person who has observed or otherwise become aware of the conduct prohibited by this policy should bring the matter to the immediate attention of the Title IX Coordinator. The District's Title IX Coordinator is:

Director of Human Resources  
50 East Street  
New Milford, CT 06776  
860-210-2200

Supervisors and administrators who become aware of possible violations of this policy and fail to report them may be subject to discipline.

The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with the Complaint Procedure described in the accompanying regulations.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

#### Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all employees annually;
5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all employees at the start of the school year and new employees during the school year;
6. Ensuring employees are aware of who is serving as Title IX Coordinator for personnel for the District and how he or she may be reached.

#### Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a two-hour, school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the



4118.112(f)  
4218.112(f)

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

#### Legal References:

##### Connecticut General Statutes

10-153 Discrimination Based on Marital Status  
46a-54(15) Commission powers  
46a-60(a) Connecticut Fair Employment Practices Act  
46a-81c Sexual Orientation Discrimination- Employment  
R.S.C.A. 46a-54-200 through 46a-54-207

##### United States Code

20 U.S.C. 1681 Title IX of the Education Amendments of 1972  
29 U.S.C. 623 Age Discrimination in Employment Act  
29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973  
42 U.S.C. 2000d and 2000e Titles VI and VII of the Civil Rights Act of 1964  
42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008  
42 U.S.C. 6101 Age Discrimination Act of 1975  
42 U.S.C. 12101 Americans with Disabilities Act  
29 C.F.R. 1604.11 EEOC Guidelines on Sexual Harassment

Policy adopted: December 9, 2003  
Policy revised: November 7, 2005  
Policy revised: June 14, 2011  
Policy revised: October 11, 2011  
Policy revised: May 12, 2015

NEW MILFORD PUBLIC SCHOOLS  
New Milford, CT

**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

*COMMENTARY: By August 15, 2017, the State Board of Education was supposed to have developed new alternative education standards which will designate the type of instruction and minimum number of hours required for alternative ed programs offered during periods of expulsion. The new standards have yet to be adopted, however, in the interim the proposed change to the "Alternative Education" section that states that alternative ed will be offered in accordance with the law and applicable State guidelines will align the policy with the law regardless of when the State Board of Ed adopts the guidelines.*

*The other changes throughout the policy are suggested in order to align the policy with various changes to expulsion hearing notice and alternative education requirements that were made as part of Public Act 16-147. The changes that were made part of Public Act 16-147 were delayed from going into effect until August of 2017 and were amended by Public Act 17-220 which required the State Board of Education to adopt alternative education guidelines. Notably, the law now requires that students/parents be given at least five business days prior notice before an expulsion hearing can take place. Also, suspensions must be in-school suspensions unless specified out-of-school suspension conditions are met (see definition of "suspension"). Additionally, the law requires that all students who are expelled for the first time be given an alternative educational opportunity. Prior law allowed boards of education to deny alternative ed to students found to have possessed a firearm or deadly weapon or distributed a controlled substance on school grounds.*

**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.



## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

- 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.
- 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. An in-school

## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

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 and includes activities conducted on or off school property.
- O. **"Suspension"** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. **Suspensions shall be in-school suspensions except the board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the suspension hearing, (A) 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. or (2) grades preschool to two, inclusive, if during the hearing, 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.**
- 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.



## Students

### Removal/Suspension/Expulsion

#### 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
  - 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.

**Students****Removal/Suspension/Expulsion****SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION** (continued)

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;
8. Possession or transmission of any weapon, including but not limited to any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument.
9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
10. Possessing, 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;
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;



**Students****Removal/Suspension/Expulsion****SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION** (continued)

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;
18. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
19. 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;
20. 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.

## Students

### Removal/Suspension/Expulsion

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

- 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.

#### **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.



## Students

### Removal/Suspension/Expulsion

#### SECTION IV SUSPENSION PROCEDURE (continued)

Suspensions shall be in-school suspensions, 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.

- B.** In the case of suspension, the school administration shall notify the Superintendent 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 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 V(B) of this policy is first granted.



## Students

### Removal/Suspension/Expulsion

#### SECTION IV SUSPENSION PROCEDURE (continued)

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

#### SECTION V EXPULSION PROCEDURES

The Board of Education may expel any student 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 has reason to believe a student in grades kindergarten to twelve, inclusive has engaged in the conduct described in section III (D). The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section, **and shall be given at least five (5) business days before the hearing.** 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.



## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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



## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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



## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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

The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the



## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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

#### SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN

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

#### SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion, **in accordance with the law and applicable State guidelines**. 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 expelled**



## Students

### Removal/Suspension/Expulsion

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

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

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

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

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



## Students

### Removal/Suspension/Expulsion

#### SECTION VIII GUN FREE SCHOOLS ACT

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §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.
- 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 seq., Gun Free Schools Act  
   20 U.S.C. §1415 Individuals with Disabilities Education Act

**Students****Removal/Suspension/Expulsion**

## 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

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
Policy revised:	October 13, 2015

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

*COMMENTARY: Public Act 17-220 delays the date by which districts have to implement restraint and seclusion prevention plans from July 1, 2017 to July 1, 2018. The law also relaxes restraint and seclusion training requirements for non-crisis intervention team members. Previously, all paraprofessionals, staff members and administrators were mandated to receive restraint and seclusion training. The new law only mandates that district crisis-intervention team members undergo the training.*

**5157(a)**

## **Students**

### **Use of Physical Force**

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm.

### **Definitions**

**Life-threatening physical restraint** means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

## Students

### Use of Physical Force

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

**Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving.

**Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

### Conditions Pertaining to the Use of **Physical Restraint and/or Seclusion**

- A. School employees shall not use a life-threatening physical restraint on a student.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
  - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.



## Students

### Use of Physical Force

- b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
  - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
- a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.
  - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.

## Students

### Use of Physical Force

- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. Beginning July 1, 2016, the Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
  - a. Record each instance of the use of physical restraint or seclusion on a student;
  - b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
  - a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.



## Students

### Use of Physical Force

#### Required Training and Prevention Training Plan

Training shall be provided by the Board to ~~school professionals, paraprofessional staff members and administrators~~ **the members of the crisis intervention team for each school in the district** regarding physical restraint and seclusion of students. Such training shall be ~~phased in over a period of three years beginning with~~ **provided during** the school year commencing July 1, ~~2015~~ **2017 and each year thereafter**, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students **and the proper uses of physical restraint and seclusion**. (Such overview is to be provided **on an annual basis** by the Department of Education ~~on or after July 1, 2015, and annually thereafter~~, in a manner and form as prescribed by the Commissioner of Education.)
2. The creation of a plan by which the Board will provide ~~school professionals, paraprofessional staff members and administrators with training and professional development~~ regarding the prevention of incidents requiring physical restraint or seclusion of students. **Such plan shall be implemented not later than July 1, 2018.**

~~Such plan is to be implemented not later than July 1, 2017, and must include a provision to require the training of all school professionals, paraprofessional staff members and administrators in the prevention of such incidents not later than July 1, 2019 and periodically thereafter as prescribed by the Commissioner of Education.~~

3. The Board's **physical restraint and seclusion plan shall provide training regarding** ~~will create a plan, to be implemented not later than July 1, 2017, requiring the training of all school professionals, paraprofessional staff members and administrators by regarding the proper means of physically restraining or secluding~~ **physical restraint or seclusion of** a student, including, but not limited to:
  - a. Various types of physical restraint and seclusion;
  - b. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  - c. The differences between permissible physical restraint and pain compliance techniques; and
  - d. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, ~~including training in the proper means of physically restraining or secluding a student.~~

## Students

### Use of Physical Force

#### Crisis Intervention Teams

By July 1, 2015, and each school year thereafter, **At the commencement of each school year** the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of ~~school professionals, paraprofessional staff members and administrators trained in the use of physical restraint and seclusion~~ **any teacher, administrator, school paraprofessional or other school employee designated by the school principal who has direct contact with students.**

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.

**The administration shall maintain a list of the members of the crisis intervention team for each school.**

#### Dissemination of Policy

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

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

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

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

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.



## Students

### Use of Physical Force

Legal Reference: Connecticut General Statutes (continued)

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises. 53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Policy adopted

February 9, 2016

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND  
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*COMMENTARY: Section twelve of Public Act 17-14 requires that starting in the 2018-19 school year students take annual science mastery examinations in grade eleven instead of grade ten. The requirement that fifth and eighth grade students take annual science mastery examinations remains the same.*

**6146.2(a)**

## **Instruction**

### **Statewide Mastery Examinations**

Statewide mastery examinations measure whether or not a student has achieved essential, grade-appropriate skills in reading, writing, mathematics and science. Mastery examinations are provided by and administered under the supervision of the State Board of Education. Each student in grades three through eight inclusive and grade ten shall take the statewide mastery examinations for reading, writing and mathematics. Each student in grades five, eight, and ~~ten~~ **eleven** shall also take the statewide mastery examination for science.

Student scores on each component of the statewide tenth grade mastery test, Connecticut Academic Performance Test (CAPT), may be included on the permanent record and transcripts of students. Students who meet or exceed the statewide mastery goal on any component of the CAPT, shall have a certification of such mastery made on the permanent record and transcript and be provided a certificate of mastery for each such component. A student who has not met the mastery goal level on each component of the mastery examination may annually take or retake each such component at its regular administration until the student scores at or above each goal level or until the student graduates or turns twenty-one (21).

The school district may not require achievement of a satisfactory score on the statewide mastery examination or any subsequent retest on a component of such examinations as the sole criterion of promotion or graduation.

Special education students shall participate in mastery testing except in the rare case when the planning and placement team (PPT) for an individual student determines that an alternate assessment as specified by the State Board of Education is appropriate.

A student, who is an English Language Learner (ELL) (student with limited English proficiency as defined by law) may be exempt from the reading and writing portions of the mastery examinations if the student has been enrolled in a United States school for ten (10) months or less. An ELL student who has been enrolled for more than ten (10) months must take all portions of the mastery examinations.



**Instruction**

**Statewide Mastery Examinations**

Students who receive special education, have a 504 plan, or are English Language Learners may be entitled to accommodations when taking statewide mastery examinations. Such accommodations will be provided in a manner consistent with law.

(cf.5121-Examination/Grading/Rating)

(cf. 6146 - Graduation Requirements)

Legal Reference: Connecticut General Statutes  
10-14n State-wide mastery examination. Certification of mastery.  
Limitation on use of test results. Examination in accordance with No Child  
Left Behind Act; funding. Kindergarten assessment tool.  
10-14q Exceptions

Policy adopted: June 10, 2003  
Policy revised: June 8, 2010

NEW MILFORD PUBLIC SCHOOLS  
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