

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

POLICY SUB-COMMITTEE
MEETING NOTICE

DATE: September 20, 2016
TIME: 6:45 P.M.
PLACE: Lillis Administration Building - Rm. 2

RECEIVED
TOWN CLERK

2016 SEP 16 A 8:28

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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. Policy/Bylaw for Review and Recommendation to the Board for Approval:

1. 5124 Reporting to Parents/Guardians – Report Cards
2. 9320 Meetings of the Board

B. Policies Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:

1. 1700 Possession of Firearms on School Property Prohibited
2. 4112.5 Criminal History Inquiries and Employment Reference Checks
3. 4121 Substitute Teachers
4. 5131.6 Students – Drugs, Alcohol and Tobacco

4. Discussion

A. Policies for Discussion

1. 2400 Evaluation of the Superintendent
2. 5114 Removal/Suspension/Expulsion
3. 5144 Discipline

5. Items of Information

A. Regulation Revisions:

1. 2400 Superintendent Evaluation Process
2. 5125 Student Education Records

6. Public Comment

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- 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.

7. Adjourn

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

**Alternates: Brian McCauley
David A. Lawson**

**FOR REVIEW AND RECOMMENDATION
TO THE BOARD FOR APPROVAL**

Bold Italicized language constitutes an addition

Commentary: Reference to Parent Portal

5124(a)

Students

Reporting to Parents/Guardians - Report Cards

It is the belief of the Board that communication between school and home is vital to the growth and education of each student. A good rule of thumb is that parents should be kept informed enough so that they are not surprised by any grade reported on the report card.

Parent-Teacher Communication

Recognizing its responsibility to keep parents/guardians informed of student welfare and progress in school, it is the policy of the New Milford Board of Education to maintain an accurate and effective system of reporting that will adequately communicate a student's level of achievement.

The Superintendent of Schools is authorized to develop and implement procedures to encourage parent-teacher communication. These procedures shall require at least two flexible parent-teacher conferences for each school year. In addition, such procedures may include school newsletters, required regular contact with all parents, additional flexible parent-teacher conferences, drop-in hours for parents, home visits and the use of technology such as student/parent database communication systems, email, or ~~homework hotlines~~ ***Parent Portal*** to allow parents to check on their children's assignments and students to get assistance if needed.

The Superintendent of Schools shall be responsible for the establishment and maintenance of the District's reporting system, as approved by the Board.

Standards

1. The reporting system shall be appropriate to grade level and curriculum content.
2. The reporting system shall include regularly scheduled written reports, such as report cards and progress reports, as well as parent-teacher conferences and any other means of communication ***such as Parent Portal*** that may be deemed necessary and effective. The school calendar shall include the dates that report cards will be issued and parent-teacher conferences held. Parent-teacher conferences shall be scheduled at such times to ensure the greatest participation by parents/guardians.
3. The reporting system shall be clear and easily understandable.
4. Teachers shall maintain the standard to notify parents/guardians regarding a student's performance whenever such notification would serve the best interest of the student (ex: when a student is in danger of failing or when there is a significant drop in grade or class, performance).
5. Individual results of standardized tests shall be available to parents/guardians.

Students

Reporting to Parents/Guardians - Report Cards

6. If parents are separated or divorced, both have equal rights to be informed of their child's progress unless there is an order from the court to the contrary. Non-custodial parents shall receive written reports and conference notifications upon a written request to the School Principal.

Legal Reference: Connecticut General Statutes

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

46b-56 Access to records of minor children by non-custodial parent

10-221(f) – Board of Education to prescribe rules, policies and procedures

Policy adopted: June 12, 2001
Policy revised: June 12, 2007
Policy revised: March 12, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**FOR REVIEW AND RECOMMENDATION
TO THE BOARD FOR APPROVAL**

Bold Italicized language constitutes an addition

Commentary: Recommended change of regular meeting to third Tuesday of each month.

9320(a)

Bylaws of the Board

Meetings of the Board

The Board of Education is a legal body which exists only when its members are assembled in official session. It is the responsibility of the Board to publicly convene for the purpose of conducting official business as required.

It is the policy of the Board to hold a regular meeting on the ~~second~~ *third* Tuesday of each month. The Board shall also, when need dictates, conduct special meetings as called by the Board Chairperson, or upon request of three Board members. An agenda, prepared in accordance with the standards set forth in this policy, shall be publicly posted at least twenty-four hours prior to the time a meeting of the Board is to convene.

Official transactions of the Board shall ordinarily be conducted at the regular meeting. A special meeting, which has been called for a specific purpose, shall only address the specific order of business for which the meeting has been called.

1. So that the Board may be well prepared for meetings, all members shall receive the written agenda, as well as supporting information for items to be considered, at least two business days before a meeting of the Board.
2. The Board shall meet in executive session as needed, in accordance with the circumstances prescribed by the Freedom of Information Act.
3. All meetings of the Board are open to the public. An "Opportunity For The Public To Be Heard" shall be scheduled at every meeting.
4. The agenda of all meetings shall be prepared by the Superintendent in consultation with the Board Chairperson. Board members may also request items for inclusion on the agenda. Every effort should be made to prepare an agenda that will not require a meeting to extend more than three hours.
5. The following guidelines should be followed when listing agenda items; however, when necessary and reasonable, the Board may change the order of business on an agenda so that those items of particular interest to the public in attendance may be considered early in the meeting.
 - a. Recommended motions, including approval of minutes
 - b. Items for Discussion - reports, schedules, communications, etc.

(cf. 9323 – Construction/Posting of Agenda and 9325.2 – Order of Business)

Bylaws of the Board

Meetings of the Board (continued)

6. All actions of the Board shall be recorded as the Board Minutes and kept on file as the permanent official record of the Board meeting proceedings.
7. A majority of the Board members (five) shall constitute a quorum for the transaction of business. (cf. 9325.1 – Quorum)
8. “Robert's Rules of Order, Revised” shall govern the proceedings of the Board except when in conflict with the Board Bylaws.
9. A meeting of the Board may be canceled by the agreement of a majority of the Board.
10. A listing of the regular meetings of the Board of Education shall be posted with the Town Clerk no later than January 31 of each year.

Legal Reference: Connecticut General Statutes

1-206 Denial of access to public records or meetings.

1-225 Meetings of government agencies to be public.

1-227 Mailing of notice of meetings to persons filing written request.

1-228 Adjournment of meetings. Notice.

1-229 Continued hearings. Notice.

1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution.

10-218 Officers. Meetings

Bylaw adopted by the Board: January 9, 2001
Bylaw revised by the Board: November 7, 2005
Bylaw revised by the Board: November 14, 2006
Bylaw revised by the Board: June 12, 2012

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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

Bold Italicized language constitutes an addition

COMMENTARY: Public Act 16-55 creates a special exception allowing motor vehicle inspectors to carry weapons on school grounds while performing their official duties. The Act takes effect October 1, 2016.

1700(a)

Community Relations

Possession of Firearms on School Property Prohibited

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

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

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

Legal Reference: Connecticut General Statutes

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

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

53a-3 Definitions.

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

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

Policy adopted: May 7, 2001
Policy revised: May 13, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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

Bold Italicized language constitutes an addition

COMMENTARY: Public Act 16-67 became effective July 1, 2016, and makes sweeping changes to background check requirements for boards of education. The changes included herein are intentionally designed to closely follow the language set forth in the new law. The SDE has or will in short order distribute forms for use in the background check process that should facilitate compliance with the procedural aspects of the law.

[NOTE – Public Act 16-67 eliminated a prior provision of the law that gave boards of education discretion as to whether or not to subject teachers employed to teach noncredit adult education classes to state and national criminal history checks. Applicants for such positions must now undergo criminal history records checks.]

[NOTE – Public Act 16-67 eliminated a previous requirement that mandated that boards of education provide non-certified personnel the opportunity to provide written responses to conviction records when such records are discovered upon a records check and were not previously disclosed.]

4112.5(a)

4212.5(a)

Personnel – Certified/Non-Certified

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

I. Background Checks

The New Milford Public School System requires all applicants for employment to state whether he or she has ever been convicted of a crime or whether criminal charges are pending against him or her at the time of application, *to submit to a records check of the Department of Children and Families (“DCF”) child abuse and neglect registry and to submit to satisfactory state and national criminal history records checks within thirty days from their date of 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 him or her at the time of application 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.

4112.5(b)
4212.5(b)

Personnel – Certified/Non-Certified

Applicants are not required to disclose the existence of criminal charges or convictions if the records have been erased and the school system will not refuse employment to an applicant because he or she had a prior arrest, criminal charge or conviction, the records of which were erased. Specifically, applicants will not be required to disclose the existence of any arrests, criminal charges or convictions that have been erased pursuant to Connecticut General Statutes §§ 46b-146, 54-76o, or 54-142a which includes erasure of (a) a finding of delinquency or that a child was a member of a family with services, (b) an adjudication as a youthful offender, (c) a criminal charge that has been dismissed or 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 ~~employees~~ *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. ~~In addition, at the discretion of the Superintendent, this requirement may apply to a person employed as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate.~~ Such checks will include fingerprinting or any other method of positive identification required by the State Police Bureau of Identification and the Federal Bureau of Investigation and will be at the expense of the employee. Fingerprinting and submission to state and national records checks does not apply to students employed by the school district where the student attends school.

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

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

Personnel – Certified/Non-Certified

B. Abuse, Neglect or Sexual Misconduct Inquiries

In addition to criminal background investigations, the school system performs employment reference checks before hiring applicants. *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;*

 - 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*

4112.5(d)

4212.5(d)

Personnel – Certified/Non-Certified

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;*
 - 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.*

4112.5(e)

4212.5(e)

Personnel – Certified/Non-Certified

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
 - 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.

Personnel – Certified/Non-Certified

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.*

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 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.

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

Personnel – Certified/Non-Certified

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:*
- 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*

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;*

4112.5(h)

4212.5(h)

Personnel – Certified/Non-Certified

- (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.*

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

4112.5(i)
4212.5(i)

Personnel – Certified/Non-Certified

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 or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

Legal References: Connecticut General Statutes:

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

~~Public Act 15-205, An Act Protecting School Children~~
***Public Act 16-67, An Act Concerning the Disclosure of Certain
Education Personnel Records, Criminal Penalties for Threatening in
Educational Settings and the Exclusion of a Minor's Name from
Summary Process Complaints***

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

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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

Bold Italicized language constitutes an addition

COMMENTARY: *The added language incorporates and cross-references the background check provisions of Public Act 16-67.*

4121

Personnel -- Certified

Substitute Teachers

A substitute teacher shall be a person fully qualified to instruct in our schools and who is employed for short periods of time in the absence of the regular teacher. Substitute teachers shall be required to ~~have~~ **hold** a valid bachelor's degree, except as otherwise permitted by the *Commissioner of the State Department of Education* **for good cause shown upon the request of the Superintendent.**

Suitable programs for training, assigning, orienting and evaluating the work of substitute teachers shall be provided by the certified staff under the direction of the Superintendent.

Unless otherwise provided by contract or required by law, rates of compensation for substitute teachers will be set by the Board of Education and fringe benefits shall not be provided.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

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 Board policy # 4112.5.

The Superintendent of Schools shall develop and maintain a list of approved substitute teachers. The Superintendent is authorized to approve substitute teachers based upon candidates' qualifications, including but not limited to, education, job-related experience, oral and written communication skills, specialized expertise ~~and~~ references, **and satisfactory background check examination results.** The list of approved substitute teachers shall be provided to the Board of Education annually and as amended from time to time throughout the year.

Legal References: Connecticut General Statutes
 10-145 Certificate necessary to employment. Forfeiture for noncompliance.
 Substitute teachers
 10-183v Reemployment of teachers.
Public Act 16-67, An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Educational Settings and the Exclusion of a Minor's Name from Summary Process Complaints

Policy adopted: December 9, 2003
Policy revised: October 18, 2005
Policy revised: June 14, 2011
Policy revised: May 8, 2012
Policy revised: February 10, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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

Bold Italicized language constitutes an addition

COMMENTARY: Public Act 16-23 amended recently passed medical marijuana laws to make minors under the age of 18 eligible to become qualified medical marijuana patients if they have a severely debilitating diagnosed medical condition (cerebral palsy, cystic fibrosis, etc.). Under Public Act 16-23 the minor's parent(s) or guardian(s) are required to "control the acquisition and possession of marijuana on the minor's behalf." Qualified medical marijuana patients are not permitted to use or possess marijuana on school grounds. However, the changes below are designed to exempt students who are qualified medical marijuana patients from provisions relating to illegal off-campus marijuana use.

5131.6(a)

Students

Drugs, Alcohol and Tobacco

The Board of Education is committed to maintaining a drug and alcohol free environment for students in the school district. It is the policy of the Board of Education to take positive action through instruction, counseling, parental involvement, medical referral and law enforcement referral, as appropriate, in handling incidents involving the possession, distribution, sale or use of drugs, alcohol and other substances that affect behavior.

In keeping with this policy, the *unauthorized* use, possession, sale or distribution of drugs, controlled substances, drug paraphernalia or alcoholic beverages, including the unauthorized use or possession, or the sale or distribution of a prescription drug, is prohibited on school premises or at any school sponsored activity. Students who violate this policy are subject to disciplinary measures including suspension and expulsion. In addition, the student's parents will be contacted and referrals will be made to the appropriate treatment agency and/or law enforcement agency. Students should also be aware that they are subject to mandatory expulsion proceedings if they engage in the sale or distribution of a controlled substance regardless of whether such conduct occurred on or off school grounds.

The personal privacy rights of students shall be protected as provided by law. Students are on notice that school properties, including lockers and desks, may be searched when there are reasonable grounds to suspect that the search will produce evidence that the student has violated school rules.

Students will be notified annually of the requirements of this policy and potential disciplinary sanctions through the student handbook or other appropriate means of notification.

Smoke Free Environment

There shall be no smoking or any other unauthorized use of tobacco by students in any school building or school vehicle at any time, or on any school grounds during the school day or at any time when the student is subject to the supervision of designated school personnel, such as when the student is at any school function, field trip, extracurricular event, or school related activity such as a work-study program. For the purpose of this policy, the term "smoking" includes the use of vapor products and electronic devices that simulate smoking by delivering nicotine or other substances by the inhalation of a vapor. An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit. Students who violate this policy are subject to discipline.

Students

Drugs, Alcohol and Tobacco

Definitions

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

1. "Controlled Substance" is a drug, substance, or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to section 21a-243 of the Connecticut General Statutes.
2. "Drug" is any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to section 21a-243 of the Connecticut General Statutes, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs.
3. "Drug Paraphernalia" is any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing into the human body, any controlled substance. This includes, but is not limited to objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs or ice pipes or chillers.
4. "Professional Communication" is any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the latter's employment.
5. "Professional Employee" means a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school.

Students

Drugs, Alcohol and Tobacco

Disclosure or Discovery of Drug/Alcohol Problem

In this policy, it is the intent of the Board of Education to differentiate between voluntary and involuntary disclosure or of a student's substance abuse problem.

1. Voluntary Disclosure

If a student voluntarily tells a professional employee during a professional communication information concerning the student's alcohol or drug abuse, the following guidelines shall apply:

- (a) The professional employee may, but is not required, to disclose any information acquired through a professional communication with a student when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student. The professional employee may elect to disclose such information when the employee has a good faith belief that such disclosure is necessary or appropriate, including but not limited to safeguarding the health and well-being of the student. In no event is the professional employee required to do so.
- (b) The professional employee should make every effort to guide the student to obtain the kind of help he/she needs. A staff member may, without disclosing the name of the student, obtain advice and information on the resources available to students and refer the student to such resources.
- (c) If a professional employee obtains physical evidence from a student indicating that a crime has been or is being committed by the student, such employee shall be required to turn such evidence over to school administrators or law enforcement officials within two school days after receipt of such physical evidence. In no such case shall the employee be required to disclose the name of the student from whom he obtained such evidence.
- (d) Any physical evidence surrendered to a school administration pursuant to this section shall be turned over by such school administrator to the Commissioner of Consumer Protection or the appropriate law enforcement agency within three school days after receipt of such physical evidence, for its proper disposition.
- (e) No parent or legal guardian shall be entitled to information concerning drug and alcohol abuse that is considered to be a privileged communication between a student and a professional employee.
- (f) If a student consents to the disclosure of his/her alcohol or drug abuse problem, or if the professional employee deems disclosure to be necessary to safeguard the health and well-being of the student, such employee will make a report to the student's guidance counselor or Department of Student Services mental health professional and the building Principal.

Students

Drugs, Alcohol and Tobacco

Disclosure or Discovery of Drug/Alcohol Problem (continued)

- (g) The guidance counselor or Department of Student Services mental health professional will, upon confirmation of an alcohol or drug abuse problem by a student under the age of eighteen hold a conference with the parent. Corrective plans will be developed with the cooperation and consent of the parents and student. The parents will be given a written copy of the conference minutes and recommendations for corrective plans.
- (h) Copies of the conference minutes will be kept in the guidance counselor or Department of Student Services worker's professional file. The counselor or Department of Student Services mental health professional will maintain contact with the student and his/her family regarding the problem.
- (i) The building principal will be informed of all activity relative to assisting the student to solve his/her alcohol or drug abuse problem.

2. Involuntary Disclosure

When a professional employee obtains information related to a student who, on or off school grounds or at a school sponsored activity, is under the influence of or possesses, uses, dispenses, distributes or sells a controlled substance, drug paraphernalia, or alcohol from a source other than the student's confidential disclosure, such information is considered to have been disclosed involuntarily and the following guidelines apply:

- (a) The employee will report the information immediately to the building principal.
- (b) Any physical evidence in the form of alcohol or drugs obtained from a student must be turned over to the building principal immediately. Because the discovery of the student's drug or alcohol problem was made without the voluntary disclosure of the student, the professional employee must disclose the name of the student from whom evidence was obtained.
- (c) Any physical evidence surrendered to a school **administrator** ~~administration~~ pursuant to this section shall be turned over by such school administrator to the Commissioner of Consumer Protection or the appropriate law enforcement agency within three school days after receipt of such physical evidence, for its proper disposition.
- (d) Students found in possession and/or use of a drug, controlled substance, or alcoholic beverage in school or on school property are subject to arrest. In the event that a student is to be arrested, the building principal or his/her designee will attempt to contact the parent prior to calling the police and inform them of the potential arrest.

Students

Drugs, Alcohol and Tobacco

Disclosure or Discovery of Drug/Alcohol Problem (continued)

- (e) Students found to have been in possession and/or use of a drug, controlled substance or alcoholic beverage in school are required to meet with the building principal or his/her designee along with the student's parents or guardian, guidance counselor, Department of Student Services mental health professional and school nurse. Corrective plans will be recommended with written notification to the parents. Arrangements for further follow-up will be made. The counselor or Department of Social Services mental health professional will maintain contact with the student and his/her parents regarding the problem.

The preceding provisions of this section shall not apply in instances where a professional employee learns of a student's lawful use of medical marijuana pursuant to their status as a qualifying medical marijuana patient under state law. Medical marijuana usage is prohibited on school grounds during school sponsored activities and on school buses.

Use of Alcohol Detection Devices

1. Introduction

In order to promote a safe environment for our students at school and on school buses and for students and their guests at school sponsored and/or Board-authorized activities and events, the school administration is authorized to employ the use of both "passive" and/or active alcohol detection devices.

The Superintendent shall develop a process and timeline to reasonably ensure reliability of the screening instrument used according to manufacturer's guidelines, appropriate training of administrators and designated personnel, and student privacy during the taking of the sample and security of the sample once obtained. Results of any breathalyzer testing will be maintained in a confidential manner, to the extent practicable.

If the Principal and/or other administrator or any law enforcement officer has reasonable suspicion that a student or a guest is under the influence of alcohol, then the trained administrator or law enforcement officer may employ the use of an alcohol detection device.

2. Definitions

- a. Reasonable suspicion shall include, but not be limited to, any of the following:
- Observed use or possession of alcohol; or
 - Odor of an alcoholic beverage or the presence of an alcohol container; or
 - Slurred speech, unsteady gait, lack of coordination, bloodshot or glazed eyes or otherwise impaired motor functions; or

Students

Drugs, Alcohol and Tobacco

Use of Alcohol Detection Devices (continued)

- Marked change in personal behavior not attributable to other factors; or
 - Behavior that is risky, aggressive or disruptive; or
 - Involvement in or contribution to, an accident where the use of alcohol is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
- b. A passive alcohol sensor device is a non-invasive high-speed breath alcohol-screening instrument which can be used as a “sniffer” for overt or covert alcohol detection. This device may be used to sample a student’s breath in order to detect alcohol use. An active breathalyzer test is administered when the result of a passive alcohol sensor screening is positive.
- c. A guest is any person who is accompanying a student to a school-sponsored or Board-authorized activity or event. When a guest is a parent/guardian of the student and there is a reasonable basis to believe that the parent/guardian’s condition could jeopardize the safety of the student, police shall be notified and shall administer the alcohol screening when the police deem that such screening is warranted.

3. Screening Procedures

When an administrator has reasonable suspicion that a student or guest is under the influence of alcohol at school, on a school bus or a school-sponsored event, the student or guest shall be given a passive alcohol sensor screening. If the student or guest fails the passive assessment, he/she will be given a fifteen minute wait period after which the passive screening will be re-administered. If screening results are negative, no action shall be taken. However, if the student or guest tests positive, he/she will be given an active breathalyzer test. If the student declines to take the screening, when reasonable suspicion exists, or if such screening proves positive he/she shall be subject to appropriate disciplinary action as set out in the Board’s disciplinary policies.

4. Prior Notification

It is the responsibility of the school administration to provide prior notice of the use of alcohol detection devices to the attendees of Board authorized events. Prior notice will include, but is not limited to, notification in the student/parent-guardian handbook, notification at school-wide assemblies, notification on event specific advertisements and/or tickets, and notification on guest permission forms.

Students

Drugs, Alcohol and Tobacco

Use of Alcohol Detection Devices (continued)

5. Refusal to Screen

Students and/or their guests who refuse to submit to alcohol detection screening at events where prior notice has been given will not be permitted to attend the Board authorized activity. No refunds will be provided to these students or their guests. Parents/Guardians of these students will be contacted and informed of their refusal to screen. Students will be subject to disciplinary action consistent with Board policies and regulations.

6. Testing Positive

Students and/or their guests who test positive for consumption of alcoholic and/or intoxicating beverages will not be allowed to attend the Board-authorized activity. Students will be subject to disciplinary action consistent with Board policies and regulations. Parents/Guardians will be called to pick the student up from school or from the school-sponsored event.

7. Maintenance of Screening Devices and Training

All devices used to screen students shall be checked for accuracy and for full calibration at least as frequently as recommended by the manufacturer. Designated school personnel and/or the school resource officer(s) shall be trained in the use of such devices.

Consequences for the Possession, Use, Sale or Distribution of Drugs, Controlled Substances or Alcohol

1. Any student found to *have engaged in the unauthorized* use, possession, ~~sell~~ *sale*, ~~distribute~~ *distribution* or ~~aid in the~~ procurement of drugs, controlled substances, drug paraphernalia or alcohol either on or off school grounds or at a school sponsored function is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.
2. Students who are expelled for violating this policy may be referred to appropriate counseling and rehabilitation agencies. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
3. Law enforcement officials will be contacted by the building principal in cases where a student is found to have distributed or sold drugs, controlled substances or alcohol on school property or at a school sponsored activity. In all cases of emergency or of clear danger, the schools will cooperate with local law enforcement officials.

Students

Drugs, Alcohol and Tobacco

Emergencies

1. If an emergency situation results from a student's drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or guardian will be notified.
2. If the student is in need of immediate medical attention, the student will be transported to an area hospital.
3. If immediate medical attention is not necessary, the parent or guardian will be asked to take the student home.
4. The building principal will be immediately notified when an emergency involving a student's use of drugs or alcohol arises. The school nurse will advise the principal of the severity of the emergency. Written records of the incident will be kept in the principal's confidential file.
5. In the event that a student is hospitalized for alcohol, drug or substance abuse related problems, school personnel will consult with the student's medical and/or psychiatric advisers, his/her parents or guardian and, if feasible, the student to determine an appropriate plan of action. The Board of Education will assume only legitimate educational costs.

Drug Free Awareness Program

The Superintendent of Schools shall direct a drug free awareness program for students regarding the following topics:

1. Dangers of drug abuse;
2. Board of Education policy of maintaining drug free schools;
3. Availability of drug counseling and rehabilitation programs;
4. Penalties for violating the drug and alcohol policy in school.

Instruction

1. The program of instruction in the schools shall include the subject matter of substance abuse prevention.
2. Annually, the teachers in each grade shall emphasize the effect of alcohol, nicotine, tobacco and drugs on health, character and personality development wherever appropriate in the health education program and other such contexts which touch upon the subject.
3. The professional staff shall become more aware of substance abuse issues among students and learn to recognize and address the symptoms of such problems.

Students

Drugs, Alcohol and Tobacco

Instruction (continued)

4. The administration may make use of in-service training sessions for both certified and non-certified staff in order to achieve the goals of this policy.

Legal Reference: Connecticut General Statutes

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

§ 10-16b Prescribed courses of study

§ 10-19 Teaching about alcohol, nicotine or tobacco, drugs and AIDS

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

§ 10-221(d) Boards of Education to prescribe rules, policies and procedures

§ 10-233d Expulsion of students

§ 19a-342 Smoking prohibited in public buildings

§ 21a-240 Definitions

§ 21a-243 Regulations re: schedules of controlled substances

§ 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.

§ 31-40q Smoking in the workplace.

§ 58-198 Smoking in motor buses, railroad cars and school buses

Public Act 16-23: An Act concerning th Palliative Use of Marijuana

20 U.S.C.A. § 7101 *et seq.*, Safe and Drug-Free Schools and Communities Act

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Administration

Evaluation Of The Superintendent

The New Milford Board of Education is responsible for evaluating the Superintendent of Schools.

The Board of Education will evaluate the Superintendent of Schools at least once a year.

The guidelines and procedures used in the evaluation of the Superintendent are included in this Policy Manual as Superintendent Evaluation Process.

The evaluation of the Superintendent shall be related to the goals and objectives of the school district for the period covered.

Legal Reference: Connecticut General Statutes

10-157 Superintendents: Relationship to local or regional board of education; verification of certification status; written contract of employment; evaluation of superintendent by board of education.

FOR DISCUSSION

5114(a)

Students

Removal/Suspension/Expulsion

SECTION I DEFINITIONS

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

Students

Removal/Suspension/Expulsion

SECTION I DEFINITIONS (continued)

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

Students

Removal/Suspension/Expulsion

SECTION I DEFINITIONS (continued)

- O. “**Suspension**” is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.
- P. “**Vehicle**” means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

SECTION II REMOVAL FROM CLASS

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

SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION

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

Students

Removal/Suspension/Expulsion

SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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

Students

Removal/Suspension/Expulsion

SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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;
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;

Students

Removal/Suspension/Expulsion

SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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.
- 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. 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 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; 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;
 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;

Students

Removal/Suspension/Expulsion

SECTION V EXPULSION PROCEDURES (continued)

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 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

Students

Removal/Suspension/Expulsion

SECTION V EXPULSION PROCEDURES (continued)

requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

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

SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN

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

SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she

Students

Removal/Suspension/Expulsion

SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY (continued)

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

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

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

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

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.

Students

Removal/Suspension/Expulsion

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

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

Students

Removal/Suspension/Expulsion

Connecticut General Statutes (continued)

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

FOR DISCUSSION

5144(a)

Students

Discipline

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

Student Behavior

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

Self Discipline

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

Preventive Discipline

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

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

Students

Discipline

Preventive Discipline (continued)

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

Corrective Discipline

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

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

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

- (cf. 5114 - Suspension/Expulsion/Due Process)
- (cf. 5131.21 - Violent and Aggressive Behavior)
- (cf. 5131.6 - Drugs and Alcohol/Tobacco)
- (cf. 5131.61 - Inhalant Abuse)
- (cf. 5131.7 - Weapons and Dangerous Instruments)
- (cf. 5131.8 - Out of School Misconduct)
- (cf. 5131.92 - Corporal Punishment)
- (cf. 5133 - Behavior of Participants in Athletic Events)
- (cf. 5144.3 - Discipline of Students with Disabilities)

Students

Discipline

Legal Reference: Connecticut General Statutes

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

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

21a-240(9) Definitions.

53a-3 Definitions.

18 U.S.C. 921. Definitions.

20 U.S.C. §1415

20 U.S.C. 8921

Policy adopted: June 12, 2001
Policy revised: June 24, 2004
Policy revised: June 12, 2007
Policy revised: June 11, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ITEM OF INFORMATION
REGULATION REVISION FOR DISCUSSION**

2400

Administration

Superintendent Evaluation Process

Purpose

The Board will provide the Superintendent with feedback as to his/her performance against the annual goals of the Board and his/her personal competencies on at least a semi-annual basis to ensure school system progress.

Process

There shall be four steps to the evaluation process:

1. Prior to the adoption of a budget, the Board adopts goals for the upcoming school year. Once adopted, those goals become the Superintendent's critical goals for the upcoming year.
2. In July (the beginning of the applicable school year), these goals shall be reviewed and modified, if necessary, based upon the outcomes of the Town's budget deliberations.
3. In February of the school year, the Superintendent will complete a self-evaluation using the Superintendent Competency Standards. Comment and feedback will be conducted verbally during Executive Session at the meeting in February. Serious deficiencies or differences of opinion on progress will be referred to the Board's Operations Committee to consult with the Superintendent and report to the full Board the resolution of such issues as may exist.
4. By May 1st of each year a full review of the year's results against the Competencies will be completed by each Board member and submitted to the Chairman. The Chairman and another Board member shall prepare a draft evaluation encompassing the proposed evaluations he/she has received and distribute same for discussion at the meeting in May. The evaluation with agreed upon revisions will be presented to the Superintendent before the meeting in May and discussed at the May meeting with the Superintendent in Executive Session. Based upon the decisions made it may be voted on at that meeting, but if not, a final evaluation must be adopted not later than June 1st.

Regulation approved:
Regulation revised:

June 11, 2002
June 21, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**NEW MILFORD PUBLIC SCHOOLS
SUPERINTENDENT COMPETENCY STANDARDS**

Definition of Standards

Competency	Substantially Exceeds Standards	Meets Standard	Fails To Meet Standard
<p>1. Educational Leadership</p> <ul style="list-style-type: none"> ● Evaluates his/her own progress in meeting goals. ● Prepares long and short-term goals for the system, including student achievement, and presents them to the Board. ● Keeps abreast of educational trends, state requirements, and educational law. 	<p>Inspires others to carry out vision. Creates an environment where employees feel valued and recognized for their contributions to the success of our school system. Builds employee morale and motivation by involving employees in setting goals, inspiring self-confidence in others and offering frequent and timely feedback. Ensures buy-in to plans, as appropriate, across schools and departments. Builds a school system recognized for its high quality performance.</p>	<p>Establishes purpose, direction and linkage of work to system goals. Creates employee identification with objectives and shared ownership for achieving results. Creates a climate that empowers employees by providing authority, complete information, resources, feedback, and ongoing support. Builds a cohesive, interdependent team committed to system goals. Fosters cooperation by example. Continually solicits feedback from employees on management performance for continuous improvement.</p>	<p>Provides incomplete or poor direction. Is often not available to employees. Climate is characterized by tension or apathy or both. Frequently a lack of congruity between individual goals and team goals. Allows unresolved conflicts and territoriality to block teamwork.</p>
<p>Check applicable box</p>			

Competency	Substantially Exceeds Standards	Meets Standard	Fails to Meet Standard
<p>2. Fiscal Management</p> <ul style="list-style-type: none"> ● Prepares an annual budget with appropriate input. ● Determines that funds are administered wisely and adequate control and accounting are maintained. 	<p>Consistently presents budgets that balance the educational needs of the community with the economic resources available. Resources are used in a manner that allows objectives to be met in the most efficient manner possible. Fiscal resources are managed such that all State requirements are exceeded without jeopardizing the Town's financial status.</p>	<p>Develops and presents accurate, realistic budgets reflective of the priorities established in the Long Range Plan and in the annual goals of the Board. Utilizes resources effectively and efficiently to meet objectives. Develops realistic forecasts that allow responsiveness to changing economic conditions and system needs. Manages fiscal resources properly, efficiently and in a manner that meets all State school finance requirements. Ensures that the system abides by the purchasing policies of the Board.</p>	<p>Budgets presented are not reflective of the needs of the community as expressed in the Long Range Plan and the Annual Goals of the Board. Resources are inappropriately or ineffectively used. Forecasts are less than accurate or untimely, not allowing responsive and responsible actions to address changing circumstances. State school finance requirements are not adequately met. Board purchasing policies are not carried out routinely.</p>
<p>Check applicable box</p>			
<p>3. Personnel Management</p> <ul style="list-style-type: none"> ● Oversees, directs, and evaluates administrative staff. ● Overlooks the hiring, management, and dismissal of employees under his/her charge. ● Abides by negotiated agreements and acts as advisor to the Board in future negotiations. 	<p>Consistently exhibits a superior ability to organize work and people in the most effective manner through the appropriate use of personnel policies and programs. Is a role model for others in the use of the performance appraisal process. Uses a joint problem solving process to resolve differences in expectations and accomplishment of results. Challenges people to excel and actively helps others broaden their skills and abilities. Ensures that plans are followed up and kept updated. Provides meaningful recognition of every employee making a positive contribution, not just the exceptional performers. Demonstrates mature judgment in addressing less than acceptable behavior or performance.</p>	<p>Screens and selects the right people for the right job. Understands and utilizes personnel policies and programs to manage people effectively to meet goals. Gives performance reviews and annual appraisals on a timely basis. Routinely provides feedback on performance in the spirit of continuous improvement. Encourages people towards goals and talks to people immediately when critical incidents occur. Provides appropriate priority to the development needs of employees. Gives recognition for good work and team effort. Institutes disciplinary actions when necessary. Complies with all regulatory and Board policy requirements.</p>	<p>Demonstrates poor people management skills. Does not use personnel processes effectively to select, develop discipline or promote employees. Seldom understands the type or scope of work to be done and is unable to identify the personnel required to do it. Actions or omissions result in the violation of regulatory, ethical or contractual standards. Tends to underprioritize developmental needs of employees. Does not conduct performance reviews or career development meetings on a regular and timely basis. Does not routinely encourage people to meet improvement goals and does not effectively address poor performance of employees. Disregards EEO requirements and Board personnel policies.</p>
<p>Check applicable box</p>			

Competency	Substantially Exceeds Standards	Meets Standard	Fails To Meet Standard
<p>4. Planning</p> <ul style="list-style-type: none"> ● Coordinate long-range planning; identifies district's instructional needs, and program weaknesses in order to uphold and insure the quality of education in the district. 	<p>Is particularly successful at seeing the "big picture." Has an exceptional ability to map out the components of a long range plan and annual plans linked to the long range plan in collaboration with others and to make those plans work. Negotiates and communicates clear priorities and sequence of activities to all parties. Problems are anticipated and contingencies are prepared. Plan revisions are carried out in concert with all involved parties. Monitors and follows up on all aspects of the plans to insure achievement</p>	<p>Develops long range plans that are consistent with New Milford's Common Core of Learning. Annual plans, objectives and priorities are established to support achievement of the long-range plan. Establishes measures at appropriate intervals and follows up to carry out the plans. Understanding and agreement is achieved with all involved parties.</p>	<p>Planning is deficient or non-existent. Objectives and priorities are often ill-defined or not communicated. Measures of performance against plan are inappropriate or non-existent. Lack of commitment of others weakens overall result.</p>
<p>Check applicable box</p>			
<p>5. Personal/Professional Qualities</p> <ul style="list-style-type: none"> ● Maintains his/her professional development by reading, attending conferences, working on professional committees, visiting other districts and meeting with other superintendents. ● Has his/her own plan for attaining CEU's in planned program of activities. Energetic and devotes the time necessary to meet the responsibilities of his/her position. 	<p>As a result of his/her leadership and personal qualities, the Superintendent relates effectively with the Board of Education, administration, faculty and parents. Through his/her own professional development program, the Superintendent brings new ideas and concepts to the Board and school district. The Superintendent communicates the vision and mission of the school district to school personnel.</p>	<p>The personal qualities of the superintendent demonstrate a positive and productive relationship with the Board of Education, administration, faculty and parents. The Superintendent participates actively in appropriate professional development activities and shares the knowledge gained from these experiences with the Board and staff as appropriate.</p>	<p>The personal qualities of the Superintendent do not foster a positive and productive relationship with the Board of Education, administration, faculty and parents. The Superintendent does not actively participate in professional development activities.</p>
<p>Check applicable box</p>			

Competency	Substantially Exceeds Standards	Meets Standard	Fails To Meet Standard
<p>6. Board Relations</p> <ul style="list-style-type: none"> ● Keeps board informed of activities, problems, and immediate district concerns. ● Provides periodic reports or updates as to the state of the district. ● Advises Board of educational law changes while making appropriate recommendations. 	<p>Demonstrates a clearly superior ability to relate well with the Board and each of its members. Takes the initiative to inform and solicit input from the Board. Routinely develops and recommends to the Board creative, implementable solutions to complex issues affecting the system. Welcomes and responds to feedback from the Board and, conversely, is unafraid to provide candid feedback to the Board in such a manner that creates an atmosphere of mutual trust.</p>	<p>Keeps the Board informed about new and pending pertinent state and federal laws and regulations, as well as about issues, needs and operations if the school system. Develops and recommends to the Board appropriate actions and alternatives to address issues confronting the school system, including compliance with laws and regulations. Agendas and background materials are prepared and distributed to Board members in a timely manner and provide adequate information to allow the Board to make informed decisions. Publicly supports and implements the policies of the Board.</p>	<p>Communication with the Board is effective. Either overloads the Board with unnecessary information or does not provide sufficient information. Creates an atmosphere of distrust by withholding or distorting information needed to make decisions or by violating necessary confidentiality with respect to Board deliberations. Places the school system in jeopardy of not being in compliance with state and federal laws or regulations by not keeping the Board informed of pertinent legislation. Does not implement or support the policies of the Board.</p>
<p>Check applicable box</p>			

Competency	Substantially Exceeds Standards	Meets Standard	Fails To Meet Standard
<p>7. Community Relations</p> <ul style="list-style-type: none"> Identifies and analyzes educational needs of the community and serves as community-Board liaison. 	<p>Places high priority on the development of good relations between the schools and the community. Regularly seeks out opportunities to involve the community in the affairs of the schools and actively encourages high levels of interaction between the schools and community. Encourages staff members to take the initiative to work more closely with parents and other citizens of the community. Is well recognized inside and outside the community as a leader in public education</p>	<p>Maintains open lines of communication between the schools and the community, directly and through the news media. Keeps the community informed about the needs and programs of the schools. Involves the community in planning for the future needs of the schools and in the current activities of the schools. Is an active participant in community affairs. Is recognized within the community as a leader in public education.</p>	<p>Fails to gain the respect or support of the community regarding the operations of the school system. Communication to the community is ineffective. Creates an antagonistic climate in relations with the news media. Often is uninvolved in the activities or affairs of the community.</p>
<p>Check applicable box</p>			

OVERALL PERFORMANCE COMMENTARY

Completed by: _____

Date: _____

**ITEM OF INFORMATION
REGULATION REVISION**

Bold Italicized language constitutes an addition

COMMENTARY: Public Act 16-189, which becomes effective October 1, 2016, mandates that boards of education include certain student data security provisions in all contracts with contractors. The provisions in the new law are reflected in Section VI, A. The law also includes certain mandatory notification provisions which are reflect in Sections VI, B and C.

5125(a)

Students

Student Education Records; Access, Confidentiality, and Amendment

I. DEFINITIONS

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

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

4. **“School official”** School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions as well as certain contractors,

Students

Student Education Records; Access, Confidentiality, and Amendment

DEFINITIONS (continued)

consultants, volunteers or other parties engaged to perform a special task or service for the District. Using this criteria, the term "school official" includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, school resource officers, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases.

5. **"Disclosure"** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means except the party identified as the party that provided or created the record.
6. **"Personally identifiable information"** The term includes, but is not limited to: the student's name; name of the student's parent or other family members; address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics); other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
7. **"Access"** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
8. **"Student"** means a person who is or was enrolled in a school.
9. **"Eligible student"** means a student who has attained eighteen (18) years or is attending an institution of post-secondary education.

Students

Student Education Records; Access, Confidentiality, and Amendment

DEFINITIONS (continued)

10. *“Contractor” means a professional who provides non-instructional services, including, but not limited to, administrative, planning, analysis, statistical or research services, to the board of education pursuant to a contract with the board.*
11. *“Operator” means any person who (A) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (B) collects, maintains or uses student information.*
12. *“Student information” means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following: (A) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes, (B) created or provided by an employee or agent of a local or regional board of education to an operator for school purposes, or (C) gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including, but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.*

II. ACCESS

A. Parents have the right to inspect and review their child’s education records.

1. Access rights of non-custodial parent
The District gives full rights of access to either parent, unless it has been provided with evidence that there is a court order or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

Students

Student Education Records; Access, Confidentiality, and Amendment

ACCESS (continued)

2. Parents' access rights when student is age 18 or older
When a student reaches the age of majority (18), the rights accorded to, and consent required of parents transfer from the parents to the student. The parents of such a student may continue to have access to education records or personally identifiable information without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.
3. Surrogate parent
A surrogate parent (person appointed by the Commissioner of Education pursuant to Connecticut General Statutes §10-94g to advocate for a student with a disability in the educational decision-making process) of any child shall have the same right of access as the natural parents or guardian to all records concerning the child.

B. Procedure to inspect, review and request copies of education records:

1. Written request
A parent or eligible student may request to inspect, review or obtain copies of a student's education records. All requests shall be made in writing and submitted to the principal of the student's school. For students who receive special education, a copy of the request should also be submitted to the Director of Pupil Personnel and Special Services. The school shall also respond to reasonable requests for explanations and interpretations of the records.
2. Time for District to respond to request
The District shall comply with a request for access to records from a parent or eligible student within a reasonable period of time and without unnecessary delay, but not more than 45 days after it has received the request. If the student who is the subject of the request receives special education, the District shall comply with a request for records before any meeting regarding an individualized education program or any due process proceeding and no later than ten (10) school days after the request has been made.
3. Fee for copy of education records
 - a. Standard fee for copies:
The fee for copies of education records is fifty (50) cents per page.

Students

Student Education Records; Access, Confidentiality, and Amendment

ACCESS (continued)

- b. Waiver of fee:
If the imposition of the fee effectively prevents a parent from exercising the right to inspect and review the student's education records, the fee shall be waived.
- c. No fee for search:
The District will not charge a fee to search for or to retrieve the education records of a student.
- d. One free copy for students receiving special education:

If the student who is the subject of the request receives special education, the parents have the right to one free copy of those records. A request for the free copy shall be made in writing.

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

Students

Student Education Records; Access, Confidentiality, and Amendment

III. CONFIDENTIALITY

A. Written consent required to disclose information

1. Requirements for the written consent
Before the District discloses education records or personally identifiable information from a student's educational records to persons other than the parent or eligible student, the parent or eligible student shall provide a signed and dated written consent. The written consent shall specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.
2. Sufficiency of identification
The District uses reasonable methods to authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information from education records is disclosed. "Signed and dated written consent" may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent; and indicates such person's approval of the information contained in the electronic consent.
3. Copy of records disclosed
If a parent or eligible student so requests, the District shall provide him or her with a copy of the records disclosed subject to payment of appropriate fees.

B. Exceptions to the requirement for written consent of parent or eligible student

FERPA and its federal regulations give the District discretion to disclose education records or personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. Among these exceptions are the following:

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

Students

Student Education Records; Access, Confidentiality, and Amendment

CONFIDENTIALITY (continued)

2. School officials who have a legitimate educational interest:
The disclosure is to other school officials, including teachers who have legitimate educational interests.
 - a. Criteria for determining who constitutes a “school official”
School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions. Contractors, consultants, volunteers or other parties to whom the District has outsourced its functions may also be considered as “school officials” provided that such persons or entities perform a function for which the District would otherwise use employees, are under the direct control of the District with respect to the use and maintenance of education records and are subject to the same requirements regarding redisclosure as any other recipient of such information.
 - b. Examples of school officials
Using the criteria in section (a), the term “school official” includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel; school resource officers, members of the Board of Education; attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee, or as a hearing officer in discipline cases.
 - c. What constitutes a “legitimate educational interest”
A legitimate educational interest exists where access to information in a student’s education records is necessary for a school official to fulfill his or her professional responsibility.
3. Directory Information:
The disclosure is information deemed to be “directory information” by the District and the parent or eligible student has not refused disclosure of such directory information. The term “directory information” refers to information that would not generally be considered harmful or an invasion or privacy if disclosed.

Students

Student Education Records; Access, Confidentiality, and Amendment

CONFIDENTIALITY (continued)

- a. Definition of “directory information:”
The District considers the following categories to fall within the definition of directory information: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school previously attended.
 - b. “Directory information” does NOT include either of the following: a student’s social security number; a student identification number that, by itself, may be used to gain access to education records.
 - c. Annual notice of right to refuse disclosure of directory information:
On an annual basis, the school district shall provide parents and eligible students with notice of the right to refuse to let the District designate any or all of the above types of information about the student as directory information.
The annual notice shall give the parent or eligible student two weeks to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.
4. Recruiters- Military and Colleges
The disclosure of name, address, and telephone listing is to recruiters and the parent or eligible student has not requested that prior written consent be obtained.
- a. Access to certain information:
Upon a request made by military recruiters or an institution of higher education, the school district will provide access to secondary school students’ names, addresses, and telephone listings.
 - b. Annual notice of right to refuse recruiter access to information:
A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to recruiters without prior written consent. On an annual basis, the school district shall provide parents and eligible students with notice of the right to file such a request.

Students

Student Education Records; Access, Confidentiality, and Amendment

CONFIDENTIALITY (continued)

5. Student's new school:
The District will forward education records to other agencies or institutions that have requested the records and in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. This includes the transfer of disciplinary records with respect to a suspension or expulsion. When such records are requested without a written consent of a parent or eligible student, notification of the transfer of records shall be sent to the parent or eligible student at the same time that the records are transferred.
6. Health or safety emergency
The school district may disclose education records or personally identifiable information from such records to appropriate parties (including the parents of an eligible student) if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making the decision to disclose information under this exception, the district must look at the totality of the circumstances. Disclosure is permitted where there is an articulable and significant threat to the health or safety of students, staff or other individuals. The disclosure should be limited to parties who need the information to address the emergency situation. The amount of information disclosed shall be narrowly tailored to the specific need and limited to the duration of the emergency. Disclosures for health and safety emergencies must be recorded in the student's education records (see "Recordkeeping").
7. Financial Aid
The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount or conditions for the aid or enforce the terms and conditions of the aid.
8. Judicial order or subpoena:
The disclosure is necessary to comply with a judicial order or lawfully issued subpoena. Unless the law requires otherwise, the school district must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action.

Students

Student Education Records; Access, Confidentiality, and Amendment

CONFIDENTIALITY (continued)

9. Organizations conducting studies
The disclosure is to organizations conducting studies for, or on behalf of the school district to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction as long as specific conditions are met as provided by law. This exception shall only apply when the District has entered into a written agreement with the organization as required by FERPA.
10. Certain federal and state officials:
The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the U.S. Department of Education; or state and local educational authorities.
11. Criminal justice involvement or dangerousness:
The disclosure is to state and local officials related to the juvenile justice system's ability to effectively serve the student whose records are released or about information received from state or local officials. This includes the following:
 - a. Physical assaults upon school employees by students
School Principals shall report physical assaults made by a student upon a school employee to the local police when such assaults occur on school property or while the employee was in performance of school duties and the employee files a written report with the Principal.
 - b. Students on probation
For students who are on probation, the school district may release information to the courts as long as officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

Students

Student Education Records; Access, Confidentiality, and Amendment

CONFIDENTIALITY (continued)

- c. Arrested students
When the Superintendent of Schools receives notice of a student's arrest from law enforcement authorities, the Superintendent may disclose such information to the Principal of the school that the student attends. The Superintendent shall maintain the written report of the arrest in a secure location. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.
- d. Potentially dangerous students
When the Superintendent of Schools receives notice from the Department of Children and Families regarding a student's potential dangerousness, the Superintendent shall notify the Principal of the school that the student attends. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.
- e. Registered sex offenders
The disclosure concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school district under 42 U.S.C. 14071 and applicable Federal guidelines.
- f. State operated detention facility or community detention facility
Upon the request of a state operated or community detention facility, the board of education shall disclose the student's educational records. If the student's parent/guardian did not give prior written consent for the disclosure of such records, the board shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records.

IV. AMENDMENT

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

Students

Student Education Records; Access, Confidentiality, and Amendment

AMENDMENT (continued)

A. Request for amendment of education records:

1. A parent or eligible student must submit a request for amendment of education records in writing to the school principal. The request should clearly identify the part of the record they want changed and specify why it is inaccurate, misleading or in violation of the privacy rights of the student.
2. The school will respond within a reasonable amount of time after receiving the request. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of their right to a hearing regarding the request for amendment.

B. Hearing requirements:

1. The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
2. The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
4. The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request for amendment. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The District shall make its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
 - a. If the decision is in favor of the parent or eligible student, the education record shall be amended.

Students
Student Education Records;
Access, Confidentiality, and Amendment

AMENDMENT (continued)

- b. If the decision is that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the District, or both. When such a statement is placed in the education records of a student the District shall: maintain the statement with the contested part of the record for as long as the record is maintained; and disclose the statement whenever it discloses the portion of the record to which the statement relates.

V. RECORDS MANAGEMENT

A. Safeguarding confidentiality

The District shall use reasonable methods to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

1. **Warning recipients of records about redisclosure of information**
The District will inform parties receiving a disclosure of education records that they may use the information only for the purposes for which the disclosure was made and that they are obligated to not disclose the information to any other party without the prior consent of the parent or eligible student. This warning regarding further disclosure of education records need not be given to the parent or eligible student or party receiving directory information.
2. **School officials' access to education records**
The District shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.
3. **Additional requirements for safeguarding the records of students receiving special education**
 - a. The Director of Pupil Personnel and Special Services is the person responsible for ensuring the confidentiality of any personally identifiable information.
 - b. District personnel who collect or use personally identifiable information will receive instruction regarding confidentiality of student records and information.

Students

Student Education Records; Access, Confidentiality, and Amendment

V. RECORDS MANAGEMENT (continued)

- c. The Superintendent of Schools, or his/her designee, shall maintain, for public inspection, a current listing of the positions of those employees within the agency who may have access to personally identifiable information.
- d. Upon request, the District shall provide parents with a list of the types and locations of education records collected, maintained, or used by the agency.

B. Recordkeeping Requirements

- 1. List of requests and disclosures of education records disclosure of personally identifiable information from the education records of each student.
 - a. This record shall be kept with the education records of the student.
 - b. There is no requirement to record requests made by or disclosures given to the following parties: the parent or eligible student; school officials with a legitimate educational interest; a party with written consent from the parent or eligible student; a party seeking directory information; and *some* types of subpoenas or court orders.
 - c. This list may be inspected by the parent or eligible student, school personnel who are responsible for the custody of the records or have a legitimate educational interest and federal, state or local authorities responsible for auditing the recordkeeping procedures.
- 2. Information that must be documented in this record
 - a. For each request or disclosure this record must include the names of the parties requesting or receiving information from education records, the date access was given and the purpose the parties had in requesting or obtaining the information.

Students

Student Education Records; Access, Confidentiality, and Amendment

RECORDS MANAGEMENT (continued)

- b. In cases where personally identifiable information regarding a student has been disclosed due to a health or safety emergency, the record of the disclosure must include the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the names of the parties to whom the District disclosed the information.
- c. If the District discloses personally identifiable information to a party and authorizes the party to redisclose information on behalf of the District pursuant to 34 C.F.R. 99.33(b), the District shall record the names of the additional parties to which the receiving party may disclose the information and the legitimate interests under 34 C.F.R. 99.31 which the additional parties have in obtaining the information.

VI. STUDENT DATA

A. Contracts Involving the Disclosure of Student Data

The Board shall not enter into a written contract with a contractor that involves the Board sharing or providing the contractor with access to student information, student records or student generated content unless such contract includes the following:

1. *A statement that student information, student records and student-generated content are not the property of or under the control of a contractor.*
2. *A description of the means by which the Board may request the deletion of student information, student records or student-generated content in the possession of the contractor.*
3. *A statement that the contractor shall not use student information, student records and student-generated content for any purposes other than those authorized pursuant to the contract.*
4. *A description of the procedures by which a student, parent or legal guardian of a student may review personally identifiable information contained in student information, student records or student-generated content and correct erroneous information, if any, in such student record.*

Students

Student Education Records; Access, Confidentiality, and Amendment

STUDENT DATA (continued)

5. *A statement that the contractor shall take actions designed to ensure the security and confidentiality of student information, student records and student-generated content.*
6. *A description of the procedures that a contractor will follow to notify the District when there has been an unauthorized release, disclosure or acquisition of student information, student records or student-generated content.*
7. *A statement that student information, student records or student-generated content shall not be retained or available to the contractor upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the contractor for the purpose of storing student-generated content.*
8. *A statement that the contractor and the Board shall ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time.*
9. *A statement that the laws of the state of Connecticut shall govern the rights and duties of the contractor and the Board; and*
10. *A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the contract which can be given effect without the invalid provision or application.*

B. Notification Procedures

Not later than five business days after executing a contract with a contractor that involves the Board sharing or providing the contractor with access to student information, student records or student generated content the Board shall provide electronic notice to any student and the parent or legal guardian of a student affected by the contract. Such notice shall include the following:

1. *Notice that the contract has been executed and the date that such contract was executed.*
2. *A brief description of the contract and the purpose of the contract.*

Students

Student Education Records; Access, Confidentiality, and Amendment

STUDENT DATA (continued)

3. *Notice of what student information, student records or student-generated content may be collected as a result of the contract.*

The Board post such notice and a copy of contract on the Board's website.

C. Data Breaches

Upon receiving notice from a contractor of a breach of security that results in the unauthorized release, disclosure or acquisition of student information, excluding any directory information contained in such student information, the Board shall electronically notify, not later than forty-eight hours after receipt of such notice, the student and the parents or guardians of the student whose student information, student records or student-generated content is involved in such breach of security. The Board shall post such notice on the Board's website.

Legal References

Connecticut General Statutes:

- 1-210(b) Access to public records. Exempt records.
- 7-109 Destruction of documents.
- 10-15b Access of parent or guardians to student's records.
- 10-94i. Rights and liabilities of surrogate parents
- 10-154a Professional communications between teacher or nurse and student.
- 10-209 Records not to be public.
- 10-220h Transfer of student records
- 10-221b Boards of education to establish written uniform policy re: treatment of recruiters.
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students
- 10-233h Arrested students. Reports by police, disclosure, confidentiality.
- 10-233i Students placed on probation by a court
- 10-233k Notification of school officials of potentially dangerous students
- 11-8b Transfer or disposal of public records.
- 19a-583. Limitations on disclosure of HIV-related information
- 46b-56 (e) Orders re custody, care, education, visitation and support of children.

*Students**Student Education Records;
Access, Confidentiality, and Amendment***Legal References (continued)***Public Act 16-189: An Act Concerning Student Data Privacy*

R.C.S.A. 10-76a-1 Definitions and 10-76d-18 Education records and reports

Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records

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

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

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

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

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

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

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

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

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

Regulation approved:	June 12, 2001
Regulation revised:	June 12, 2007
Regulation revised:	October 13, 2009
Regulation revised:	June 8, 2010
Regulation revised:	October 11, 2011
Regulation revised:	February 26, 2013
Regulation revised:	October 8, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

STATE OF CONNECTICUT
Educational Employer Verification
(in accordance with Public Act 16-67)

Directions for School District/Entity Considering Applicant for Employment: Each local or regional board of education, governing council of a state or local charter school or an interdistrict magnet school operator is required to obtain the information listed on this form from ALL current or former employer(s) of the applicant if such employer was a local or regional board of education, a governing council of a state or local charter school, an interdistrict magnet school operator or if the employment caused the applicant to have contact with children. Applicants are required under the law to provide a prospective employer with the name, address and telephone number of all current or former employers that meet the above criteria. Information may be collected either through a written communication or telephonically.

Directions for Current/Previous Employer: The applicant listed below is under consideration for a position with the school/district listed below in Section 2. The individual identified below has reported current/previous employment with your organization or contractual services with your organization in a position in which he/she had contact with children. As required by Connecticut General Statutes Section 10-222c, as amended by Public Act 16-67, please provide the information requested in Section 3. In accordance with the provisions of Public Act 16-67, you are required to respond to this request within five business days.

Section 1 – To be completed by the Applicant

Name of applicant	
Former name(s) (if applicable)	
Street address	
City, State, Zip Code	
Approximate dates of employment with employer listed in Section 3 of this form	
Position held with employer listed in Section 3 of this form	

Section 2 – To be completed by the Prospective Employer

Name of prospective employer	NEW MILFORD PUBLIC SCHOOLS
Street address of prospective employer	50 EAST STREET
City, State, Zip Code	NEW MILFORD CT 06776
Contact person	ELLAMAE BALDELLI, DIRECTOR OF HUMAN RESOURCES
Telephone number/email address	860-210-2200 / baldellie@newmilfordps.org

Section 3 – To be completed by the Current/Former Employer

Name of employer	
Date of receipt of this notice	
Date of employment of above named applicant	
Contact person	
Telephone number/email address	

To your knowledge, has the Applicant ever:

Yes No Been the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation currently pending with any current or prior employer, state agency or municipal police department or which has been substantiated?

Yes No 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?

Yes No Had a professional or occupational license, certificate, authorization or permit suspended or revoked or 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?

Signature of Superintendent or HR Director

Date

Return all completed information to the Prospective Employer listed in Section 2 of this form.

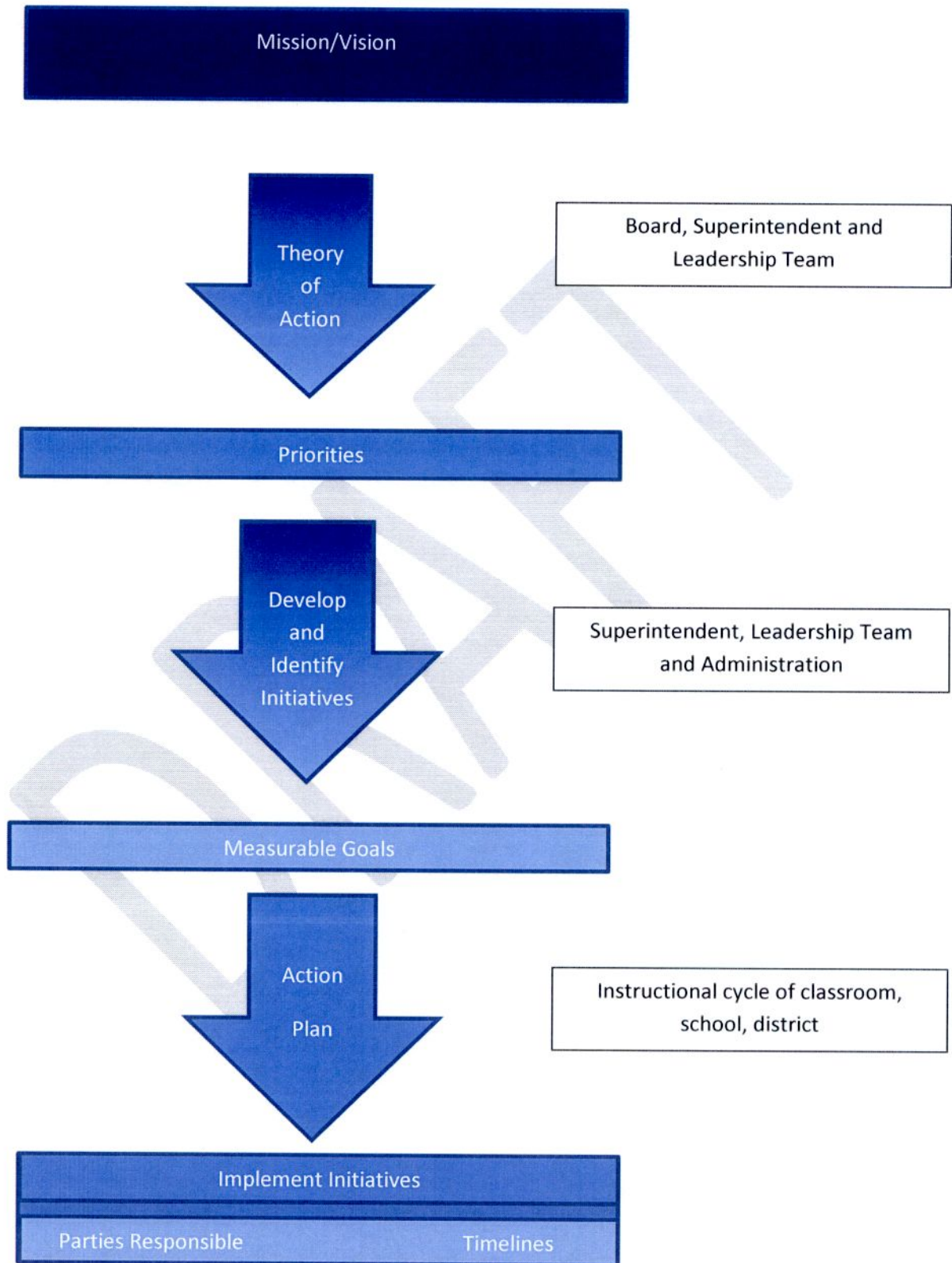
NOTES:

The terms provided below are currently defined in state law as follows. Please note that statutes may be amended from time to time.

Sexual Misconduct – “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.” Connecticut General Statutes § 10-222c(k).

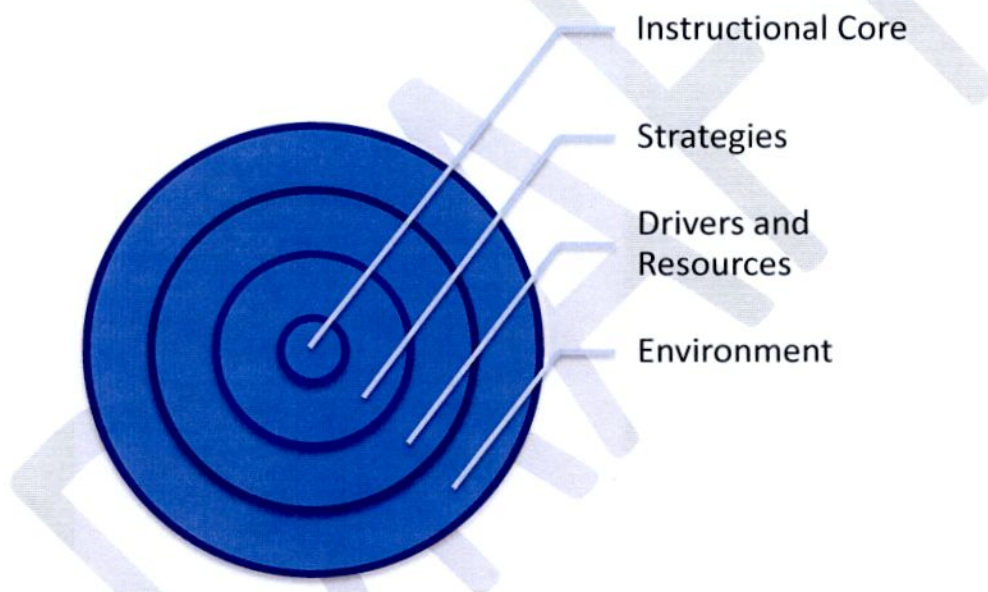
Abuse or neglect – “abuse or neglect as described in Section 46b-120, and includes any violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a.” Connecticut General Statutes § 10-222c(k).

A District Improvement Plan drives both the long and short term work of the Superintendent and provides a through line to the work in classrooms.



Theories of Action: (A theory of action captures the fundamental belief about what will drive change for the district.)

- IF we develop capacity in our leadership, THEN communication and trust with teachers will improve.
- IF there is a focus on instructional capacity and clear connections to student learning, THEN student achievement will improve.
- IF we develop a commitment to student learning over a compliance to directives, THEN students will learn in a more flexible and adaptive environment.
- IF we develop a culture of achievement, THEN all students will be better prepared for life after high school.



Priorities:

Improve the ability of administrators to recognize high leverage practices and provide targeted, actionable feedback to teachers.

Identify and rethink practices that distract from or prevent a culture of commitment and achievement.