Policy Committee

Monday, October 3, 2016 6:00 PM
Policy Committee, L.P. Wilson Community Center, Room 17, 601 Matianuck Avenue, Windsor, CT 06095

1. **Call to Order, Pledge to the Flag and Moment of Silence**
2. **Audience to Visitors**
3. **Review Draft of New AR 6155.1 Religious Holidays**
4. **Review Full Re-write of P 4112.3 Employment Checks**
5. **Review Withdrawal of P 5113.21 Attendance - Call Back Service**
6. **New P 1331 Prohibition Against Smoking**
7. **Review Revised P/AR 1371 Possession of Deadly Weapons or Firearms**
8. **Review Revised P/AR 4118.11 Non-Discrimination (Personnel)**
9. **Review New P 5141.27 Regarding Automatic External Defibrillators**
10. **Review Revised AR 6142.63 Pool Safety Plan**
11. **Review Revised P/AR 6114.7 School Security and Safety**
12. **Review Revised P 5125 Confidentiality and Access to Education Records**
13. **Review Revised P 5145.1 Student Privacy**
14. **Discussion on future policy work**
15. **Adjournment**

Rational for Deletion of P 6155 Class Examinations and New AR 6155.1 Religious Holidays:

It is recommended that the revisions to P 6155 Class Examinations under consideration for adoption at the June 20, 2016 Regular Meeting become new AR 6155.1 Religious Holidays. P 6155 Class Examinations would then be deleted from BOE policies. AR 6155 Class Examinations, which was revised June 6, 2016, would remain in place.

Section:	**Instruction**	
Subject:	**CLASS EXAMINATIONS**	**P-6155**

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

1. ~~Scheduling Major Tests~~ **Test Schedules**

   A. ~~In fairness to students who must be absent because of required religious holidays and in order to avoid the necessity for make-up activities, major tests and/or the introduction of new topics and materials should not be scheduled on these days.~~ **When scheduling either classroom or system-wide tests, teachers and administrators are encouraged to consider possible conflicts with religious holidays that the students in their classes may encounter. Efforts should be made to choose a schedule for tests and makeup opportunities that are reasonable under the circumstances and maximize the number of students in attendance. Teachers should let parents know of important class activities such as tests, field trips, or presentations as far in advance as possible so that potential conflicts with religious obligations can be avoided or accommodated. Windsor Public Schools does not designate specific days of religious significance on which testing is prohibited.**

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Policy Adopted: ~~4/14/81~~

RELIGIOUS HOLIDAYS

Windsor Public Schools recognize that students observe various religious holidays. However, these holidays alone may not determine the days on which school is closed.

Teachers and administrators will facilitate students' observation of religious holidays by:

1. Considering possible conflicts with religious holidays that students in their classes may encounter.

2. Choosing a schedule for tests, field trips, and presentations as far in advance as possible so that potential conflicts with religious obligations can be avoided or accommodated.

3. Providing opportunities for students to make-up work that they have missed on religious holidays without penalty.

Regulation Approved:

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

CLASS EXAMINATIONS

Examinations: High School

1. Examinations are to be administered in all classes at the end of each semester. A special examination schedule will be developed to afford all students ample opportunity to do well. Exams are to be weighted as 20% of the final grade for semester courses and the semester grade for year-long courses.

2. Students who have an excused absence during the scheduled exam period must make specific arrangements with the teacher to complete the exam upon the student's return to school.

3. Students who miss an exam without a legitimate reason will be unexcused for the examination and not entitled to make up the exam. These students will receive a grade of zero (0) for the exam.

4. During the exam schedule days, students are required to attend school only when they are scheduled for an exam. If students attend school when not scheduled for an exam, they will be required to report to a designated area. Loitering in the building or on school grounds is not be permitted.

5. During the spring semester ONLY, seniors will be exempt from June exams in any class where they have at least an A- (90%) combined average for quarters 3 and 4. Seniors will not be exempt from school designated Capstone Projects. There are NO exemptions for freshmen, sophomores and juniors.

Regulation Revised: June 6, 2016
Regulation Approved: Oct. 19, 1992

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

Rational for Revised Policy:

P 4112.3 EMPLOYMENT CHECKS

We have significantly revised this policy in accordance with Public Act 16-67, An Act Concerning the Disclosure of Certain Education Personnel Records, which became effective July 1, 2016. Among other things, this Public Act imposes substantial new requirements on school districts to investigate applicants' employment history.

WINDSOR PUBLIC SCHOOLS
Windsor, CT

MEMORANDUM

TO: Craig Cooke

FROM: Terrell M. Hill
Assistant Superintendent for Human Resources

DATE: 8/30/2016

RE: Summary of Public Act 16-67

The state legislature recently enacted Public Act 16-67 ("the Act") in response to a new provision in the federal Every Student Succeeds Act ("ESSA"). We presently do thorough background checks by way of references, fingerprinting for criminal background check, and DCF registry. There will now be additional steps in the background check process. The Act impacts all potential employees who have "direct student contact." Positions with direct student contact would include teachers, administrators, paraprofessionals, behavioral therapists, coaches, food service workers, custodians, clerical/administrative support staff in the schools, and school nurses.

As a result of this new Act the following must be done:

The Applicant must

- Submit to state and national criminal history and child abuse and neglect registry records checks;
- List all former educational employers or other employment where they had direct contact with children;
- Provide an authorization for release of information by former employers and the State Department of Education (SDE);
- State whether they have been the subject of an abuse, neglect or sexual misconduct investigation unless the finding was unsubstantiated; ever disciplined, asked to resign, separated from employment where there were pending allegations, substantiated charges or a criminal conviction regarding child abuse, neglect or sexual misconduct, or surrendered or had their certification or license revoked.

The BOE must

- Conduct a review of an applicant's employment history, using a standard SDE form;
- Make good faith effort to contact former employers. "Good faith" is defined as three attempts via telephone on three separate days;
- Request SDE eligibility status for any applicant for a position requiring certification, authorization or permit;
- Notify the SDE of any information it receives that an applicant has been disciplined for a finding of abuse, neglect or sexual misconduct;
- Not enter into any collective bargaining agreement, employment contract, agreement for resignation or termination, service agreement or any other contract or agreement, or take any action which would
    - Have the effect of suppressing information relative to investigation of a report of suspected abuse, neglect or sexual misconduct by a current or former employee;
    - Affect their ability to report suspected or substantiated abuse, neglect or sexual misconduct; or
    - Require them to expunge information regarding allegations of finding of abuse, neglect or sexual misconduct, unless 'dismissed or found to be false";
- Not hire any applicant who was previously terminated or resigned from employment if such person has been convicted of a violation of section 17a-101a (mandatory reporting statute) when an allegation of abuse or neglect or sexual misconduct has been substantiated; and
- Upon request, provide information to any other BOE regarding any information it has concerning a finding of abuse, neglect or sexual misconduct.

The Act provides that any employer who provides the required information reading an applicant shall be immune from criminal and civil liability, provided the employer did not knowingly supply false information. Any applicant who knowingly provides false information may be disciplined, including denial of employment or termination of contract of employment of certified employee.

EMPLOYMENT CHECKS

~~Each~~As set forth below, each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her ~~at the time of application,~~ and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry"). ***[Optional language: If the applicant's current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state].**** Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

[*Note: This language is optional, as out-of-state registry checks are not required under Connecticut law. However, given that the intent of state law is to ensure access to all relevant background information, we have included this provision should districts wish to require this additional information.]

I. Employment History Check Procedures

A. The district shall not offer employment to an application for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the district:

1. Requiring the applicant:

a. to list the name, address, and telephone number of each current or former employer of the applicant, if such current or former employer was a local or regional board of education, council or operator or if such employment otherwise caused the applicant to have contact with children;

b. to submit a written authorization that

(i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,

(ii) consents to and authorizes disclosure by the Department of Education of the information requested under paragraph I.A.3 of this policy and the release of related records by the department, and

(iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

(i) 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,

(ii) 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 Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

(iii) 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 DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department of Education, which shall request the following:

a. the dates employment of the applicant, and

b. a statement as to whether the employer has knowledge that the applicant:

(i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated;

(ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or

(iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the district receives a request for such information about an employee or former employee, the district shall respond with such information. The district may request more information concerning any response made by a

current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department of Education concerning:

a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

b. whether the Department of Education has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and

c. whether the Department of Education 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.

B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education of such information.

C. The district shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

D. The district may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) days, pending the district's review of information received under this section, provided:

1. The applicant complied with paragraph I.A.1 of this policy;

2. The district has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the district; and

3. The applicant affirms that the applicant is not disqualified from employment with the district.

E. The district shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;

2. Affects the ability of the district to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

3. Requires the district to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the district, unless, after investigation, such allegation is dismissed or found to be false.

F. The district shall not offer employment to a person as a substitute teacher, unless such person and the district comply with the provisions of paragraph I.A of this policy. The district shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The district shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the district as a substitute teacher as described in paragraph III.B.2 of this policy, provided the district does not have any knowledge of a reason that such person should be removed from such list.

G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a. and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b. of this policy. Such contractor shall contact any current or former employer of such employee that was a local or regional board of education, council, or operator or if such employment caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the district that may include

1. denial of employment, or

2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151.

I. If the district provides information in accordance with paragraph I.A.2. or I.G. of this policy, the district shall be immune from criminal and civil liability, provided the district did not knowingly supply false information.

J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the district shall provide, upon request by another local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G. of this policy or to the Commissioner of Education pursuant to paragraph I.B. of this policy any information that the

district has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

K. For the purposes of this policy:

1. "Sexual misconduct means" any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student

~~A. Reference Checking Procedures~~

2. "Abuse or neglect" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

L. Prior to ~~hiring any person~~offering employment to an applicant, the district shall make a documented good faith effort to contact ~~previous employers of the applicant~~each current and any former employer of the applicant that was a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or if such employment otherwise caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.

M. The district shall not offer employment to any applicant who had any previous employment contract terminated by a board of education, governing council of a state or local charter school or interdistrict magnet school operator, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

~~B~~II. DCF Registry Checks

Prior to hiring any person for a position ~~requiring a certificate, authorization or permit issued by the State Board of Education~~with the district, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

~~Prior to hiring any person for any position, including one that does not require a certificate, authorization or permit issued by the State Board of Education, the district shall also require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.~~

[Optional: For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.]

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) days from the date of employment. Registry checks will be processed according to the following procedure:

~~1)~~A. No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.

~~2)~~B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

~~3)~~C. Upon receipt of Registry or out ~~-~~of ~~-~~state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

~~4)~~D. If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

~~C~~III. Criminal Records Check Procedure

A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) days from the date of employment. Each worker placed within a school under a public assistance employment program, ~~or~~ employed by a provider of supplemental services pursuant to the No Child Left Behind Act~~,~~ or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:*

~~1)~~1. No later than ~~ten~~five (~~10~~5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will ~~supply~~provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the _____ **[insert name of applicable law enforcement agency]**. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State

Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.

~~2)~~2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the _____ **[insert name of applicable law enforcement agency]**. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

~~3)~~3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.

~~4)~~4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check. The affected applicant/employee may notify the Superintendent or his/her designee in writing within five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

~~5)~~5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

6. Notwithstanding anything in Paragraph E of Section III of this Policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in Paragraph D of Section III of this Policy, above.

B. Criminal Records Check for Substitute Teachers:

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.

2. If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district, provided a substitute teacher is subjected to such checks at least once every five years.

~~D~~IV. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

~~E~~V. Credit Checks

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to takes an action adverse to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) days.

~~F~~VI. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by (1) a person holding a certificate, authorization or permit issued by the State Board of Education, or (2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

~~G~~VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

~~H. Substitute Teachers~~

~~A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:~~

~~1) If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.~~

~~2) If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district.~~

~~I~~VIII. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the Board.

~~1)~~A. During the course of an employment check, the Board may not:

~~(a)~~1. request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing a personal online account;

~~(b)~~ 2. request or require that an applicant authenticate or access a personal online account in the presence of the Board; or

~~(c)~~ 3. require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.

~~2)~~B. The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:

~~(a)~~1. any account or service provided by Board or by virtue of the applicant's employment relationship with the Board or that the applicant uses for the Board's business purposes, or

~~(b)~~2. any electronic communications device supplied or paid for, in whole or in part, by the Board.

~~3)~~ C. In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

~~(a)~~ 1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or

~~(b)~~2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

~~J~~IX. Policy Inapplicable to ~~Operators of School Transportation Vehicles and~~ Students Employed by the School District

~~1) This policy shall not apply to an operator of a school transportation vehicle who is already required to submit to a criminal history records check pursuant to Connecticut General Statutes § 14-44 (d).~~

~~2)~~A. This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

~~K~~X. Falsification of Records

~~The~~Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

[***Note:** This is a sample policy designed to provide compliance with the provisions of Connecticut General Statutes §§ 10-221d and 10-222c. Individual boards of education may wish to treat certain aspects of this policy differently. For example, a board of education may wish to do the required fingerprinting on-site, using board personnel. Also, a board of education may request a regional educational service center to arrange the taking and forwarding of the fingerprints, with the direction to provide the board of education with the results of the criminal history records checks.*]

~~*§ 10-221d (d)(3) emphasizes that a board of education has discretion to require any person that the board employs as a teacher for a non-credit adult class or adult education activity who is not obliged to hold a teaching certificate pursuant to Connecticut General Statutes § 10-145b for his her position, to submit to state and national criminal history records check.]*~~

Legal References: Conn. Gen. Stat. § 10-~~221d. Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.~~212.

Conn. Gen. Stat. § 10-~~212. School nurses and nurse practitioners~~221d.

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act ~~15-6, "An Act Concerning Employee Online Privacy"~~16-67, "An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Education Settings and the Exclusion of a Minor's Name from Summary Process Complaints."

No Child Left Behind Act of 2001, Public Law 107-110

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED:_____
REVISED:_____

6/24/2016

Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice[1] that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.[2]

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

Connecticut Records:	Out-of-State Records:
Department of Emergency Services and Public Protection State Police Bureau of Identification (SPBI) 1111 Country Club Road Middletown, CT 06457 860-685-8480	Agency of Record OR FBI CJIS Division-Summary Request 1000 Custer Hollow Road Clarksburg, West Virginia 26306

[1] Written notification includes electronic notification, but excludes oral notification.

[2] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification[3] by _____ that your fingerprints will be used to check the criminal history records of the FBI.

- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.

- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.

- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.[4]

- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[5]

- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at http://www.fbi.gov/about-us/cjis/background-checks.

- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

- If you need additional information or assistance, please contact:

Connecticut Records:	**Out-of-State Records:**
Department of Emergency Services and Public Protection **State Police Bureau of Identification (SPBI)** **1111 Country Club Road** **Middletown, CT 06457** **860-685-8480**	**Agency of Record** **OR** **FBI CJIS Division-Summary Request** **1000 Custer Hollow Road** **Clarksburg, West Virginia 26306**

[3] **Written notification includes electronic notification, but excludes oral notification.**

[4] **See 28 CFR 50.12(b).**

[5] **See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).**

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Federal Bureau of Investigation
United States Department of Justice
Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

~~9/28/15~~

Section:	**STUDENTS**	
Subject:	**ATTENDANCE - CALL BACK SERVICE**	**P – 5113.21**

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

Regular attendance is an important part of the educational process. To assist parents in monitoring attendance, and to facilitate home/school communication, the Board adopts the following procedure at the elementary school level. Parents shall be offered the opportunity to participate in a "call back" program as follows: Participating parents shall be required to notify the school when their child is to be absent from school, during a time before school designated by the building principal. If a child is absent from school at the beginning of the day and the parent has not provided prior notification of absence, school personnel will seek to call such parent between 9:00 AM and 10:00 AM to verify that the absence is excused.

In order to participate, the parents shall complete a form with day time telephone number and such other information as the Administration may reasonably require. Continued participation shall be subject to meeting of the parent's duties under the program. If parent fails to notify the school of a known absence on three or more occasions, the Board of Education shall discontinue the parent's participation.

The Board of Education cannot and does not assume responsibility for students prior to their entering the school bus or school building, or responsibility for assuring that parents are notified in every case of absence or tardiness. As a condition of participating in the program, parents shall execute a waiver of any claims against the District for failing to notify the parents under this program. However, this new procedure is intended to assist both parents and school personnel in monitoring student attendance at the elementary school level.

* * * * * *

Policy Adopted: January 19, 1988

ATTENDANCE

Attending school promptly every day is an important factor in a child's educational progress. There are some situations that require a student to miss school, and in those cases, the child's parent or guardian must provide a satisfactory explanation.

Parents should notify the school when their child is to be absent or late for school either in person, by written note, or by calling the absentee line any time before 9:00 a.m. If a child is absent and the parent has not notified the school, a call to the home will be made around 10:00 a.m. to verify the absence. This procedure is intended to assist both parent and school personnel in monitoring student attendance at the elementary school level. The Board of Education cannot and does not assume responsibility for students prior to their entering the school bus or school building or responsibility for ensuring that parents are notified in every case of absence or tardiness.

Excused Absences

Student absences from school are excused when they occur for the following reasons:

- Death in the immediate family
- Serious illness of a family member
- Illness or injury of the student
- Mandatory legal obligations
- Other reasons subject to the discretion of the building principal

Unexcused Absences/Truancy

Unexcused absences, or truancy, are those that do not come under any of the definitions of excused absences. Students who have an unexcused absence may be denied the privilege of making up missed assignments or tests. State law and Board of Education policy require identification and reporting of students who are habitually absent without excuse.

Please note: Family vacations during school time are not considered excused absences. When families choose to take vacations while school is in session, they should not expect teachers to provide assignments prior to going on vacation. Students will be given an opportunity to make up work and tests upon their return.

Tardiness to Class

Students are expected to be in the appropriate place, ready to work, when class begins at 8:40 a.m. Students who are tardy (arriving after 8:40) must report to the office to check in upon arrival. Tardiness is a serious matter. When students are late they miss important learning opportunities and their late entry may be disruptive to the class.



Delays or Closing of School

If it should become necessary to close the school due to inclement weather, local radio and television networks will broadcast school delays and closings beginning at approximately 6:00 AM. You may also call the Board of Education, (860) 687-2000, Ext 180, or check the website at www.windsorct.org.

There is also a free e-mail notification system for parents and staff of Windsor Public Schools. This e-mail notification service is provided to you by the Connecticut Weather Center, Inc. to enable you to receive notification of weather related cancellations, announcements, or other notifications by our schools. Windsor, as well as the majority of school districts throughout the state, participates in using the Connecticut Weather Center for posting weather and non-weather related essential announcements.

School Closings and Late Openings

Closing and late opening announcements are made between 6:30 a.m. and 8:00 a.m. on the radio stations listed below. Call Sage Park (860-687-2030) and the message machine will provide school closing or delay information. Don't call the radio stations or the police department. Phone lines must remain open for emergency calls. The Board of Education has a voice message regarding school closing (860-687-2000, ext. 180) or go to www.windsorct.org for more information.

WTIC 1080 WDRC 1360 WKND 1480 WPOP 1410

Student Early Dismissal From School

We believe students belong in school during the school day. We ask that all appointments (dental, medical, etc.) be scheduled outside of the school day. If a student must be removed from school:

1. Written parental notification of the date, time and duration of the time out of school must be received by the office the morning of the dismissal.
2. The student must stop in the office on the morning of the dismissal to present the the note and to pick up an "Early Dismissal Pass" which is given to the teacher at the time of the dismissal.
3. The teacher signs the pass and sends the student to the office with it to be picked up by the authorized party.
4. The parent or authorized person must sign the student out in the school office.

Students are not allowed to leave school alone to walk to appointments during school hours.

Student Absence From School

Good attendance makes learning easier. Absence from school should be limited to reasons of personal illness or emergencies. The parent/guardian of an absent student must call the school (ext. 179) on the day of the absence by 9:00 a.m. Students absent from school during the day cannot return to the campus to attend after school activities. The office contacts home to verify absences. Absence 1-9 days, parent note is acceptable. Absences 10 days and above, additional documentation is required.

Student Promptness / Tardiness

Good attendance and promptness are basic to establishing solid work habits. We expect students to report to school on time, ready to work and learn as part of their preparation for life. Students are expected upon arrival to school to report directly to their lockers and then to homeroom. Students are not to loiter and socialize in the hallways. School attendance is taken in homeroom beginning with the third tardy each semester. This is an after school detention. Tardies caused by medical/dental appointments are excused and not counted in the total. Late buses will be provided Monday, Wednesday, and Thursday. Continued tardiness leads to increased discipline.

3 tardies = 1 office detention
6 tardies = extended detention (2:50 - 5:00 p.m.)

Students who arrive after 11:00 a.m. will be marked absent.

WORLD LANGUAGE HONOR SOCIETIES
Students who achieve high academic success in World Language and meet the criteria are inducted into the French, Latin and Spanish honor societies. These students earn the right to wear World Language honor cords at graduation.

SPECIAL RECOGNITION AT GRADUATION
Students are only eligible for honors designation at graduation if they have been enrolled at Windsor High School for at least four (4) semesters. Students are eligible for valedictorian or salutatorian only if they have completed six (6) semesters at Windsor High School.

Graduation honors are based on grades at the end of the third quarter, senior year. The quality point ratio of each senior student is utilized to determine a student's rank in class. There are three types of special recognition determined by class rank:

- The first ranked student will be in class Valedictorian. The second ranked student will be the Salutatorian.
- Those students who rank within the two percent to five percent classification of the graduating class shall be recognized as graduating with High Distinction; and
- Those students who rank within the six percent to fifteen percent classification of the graduating class shall be recognized as graduating with Distinction.

The Valedictorian and the Salutatorian will speak at graduation. The Senior Class President will present the class gift and lead the tassel ceremony.

DEPARTMENTAL HONOR CORD AWARDS
Seniors earn honor cords by earning a final course grade of A- or better in at least six semester courses in the same discipline. Seniors receive these cords at a special recognition program.

LOCAL SCHOLARSHIPS
Seniors can apply for over 100 scholarships donated by local organizations through the Counseling Department. These scholarships are given at a special scholarships and awards program.

ADVISORY SESSIONS

Students meet in their advisory groups each week. The goal of the advisory program is for students and teachers to form positive relationships outside of the academic classroom environment and engage in activities designed to increase self-knowledge, character awareness, and concern for current issues.

ASBESTOS REMOVAL

The Windsor School District posts on the district website annual written notice of the availability of asbestos removal management plans. Questions can be directed to Mr. George Greco, Physical Plant Manager, 860-687-2000, x223.

ATTENDANCE AND TRUANCY

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education, through its Superintendent, adopt and maintain procedures to implement this policy. See Appendix I.

REPORTING AN ABSENCE

In the event of an absence a parent/guardian must call 687-2020, x385 as early as possible on the day of the absence to excuse their student from school. A phone call from students, brothers, or sisters is not acceptable. Parents/guardians may also send a note with their student explaining the reason for and the dates of the absence upon the student's return to school. Students should present this note to our attendance support clerk in the Main Office. It is vital that parents/guardians excuse student absences as students will receive zeros for missed class work, tests and quizzes if their absence is unexcused. The responsibility remains with the student to make up any missed work or assessment by meeting with the appropriate teacher.

CLASS ATTENDANCE AND UNEXCUSED ABSENCE

Regular attendance to all classes is essential to fulfilling academic and attendance requirements. The following attendance procedures are set forth to implement this philosophy:

1. The term "absence" is defined as not being present twenty (20) minutes or more of a scheduled class. Students who miss more than 20 minutes of class will be marked TDA. This will count as an unexcused absence.
2. If five (5) unexcused absences occur in a semester, credit will not be granted unless the credit is recovered.
   a. For purposes of this regulation, <u>all</u> absences will count with the exception of:
      1) disciplinary suspensions;
      2) students offered alternative programs as recommended by the special education planning and placement team;
      3) field trips (as required by course curriculum);
      4) excused absences (see Appendix 1).
3. Actions of Notification
   a. Provisions of this regulation will be publicized annually in the Student Handbook.
   b. After three (3) unexcused absences in a semester course or five (5) in a yearlong course have occurred, the student will be informed of his or her absences to date and the attendance support clerk will send home notification to the parent or guardian.

RECOVERY PROCESS FOR LOST CREDIT DUE TO ATTENDANCE

1. Students lose credit in a course when they reach <u>5</u> unexcused absences in a semester class. Any student that reaches this limit will be offered a contract from the Dean of Students outlining the credit recovery process and the number of hours owed for each course.
2. Beginning with their 5th unexcused absence, students must make up 90 minutes of class time. They must make up this time equivalent for each additional absence. Time must be recovered for each individual class where the absence limits have been reached.
3. Failure to meet this contract/make up number of hours owed will result in loss of credit for that course.
4. Students taking full year courses who reach 10 unexcused absences will follow the same procedure as above.

EARLY DISMISSAL/LEAVING SCHOOL GROUNDS

A student is not allowed to leave school before 2:20 unless excused by the principal, a vice principal, or the school nurse. Dentist appointments, doctor appointments and appointments for driving tests should be made for after-school time, except in cases of emergency.

Students will not be excused before the close of school unless a written request is received from the parents/guardians for the day of the early dismissal. The written request should be sent in with the student, who should see the attendance support clerk in the Main Office before the start of school. Students who receive approval to be dismissed early must sign out with the Attendance Clerk before leaving.

If an extreme emergency arises and a student must be excused during the day without prior notification, the parents/guardians must come to the Main Office before the student is released from school.

Children will only be released to adults who are identified as the legal parents/guardians in school records unless prior arrangements are made by the parents/guardians.

TARDINESS TO SCHOOL AND CLASS

Students who arrive late to school must sign in at the Main Lobby desk. Students who arrive late to school and/or class without an excused pass, but miss fewer than 20 minutes will be marked tardy. Students who arrive more than 20 minutes late will be marked Tardy Absent, which will count toward loss of credit for that class. The following disciplinary consequences will apply to tardy students:

- 3-4 total tardies in one week - 1 Hour Detention
- 5-6 total tardies in one week - 2 Hour Detention
- 7+ total tardies in one week - 1 Day of In-School Suspension
- Students who are chronically tardy will have increased consequences and will be required to meet with their VP.

BULLYING PREVENTION AND INTERVENTION POLICY (AR5131-911)

See Appendix I (Safe School Climate Plan)

SCHOOL BUS REGULATIONS FOR SECONDARY SCHOOLS

1. The driver is in charge of the bus and the pupils being transported on it.

2. All school rules involving student behavior apply to school buses.

3. The driver is required to enforce all rules and regulations adopted by the school district for the conduct of pupils riding a school bus.

4. Pupils are required to:
   a. Be seated while bus is in motion;
   b. Refrain from unnecessary conversation with the bus driver;
   c. Keep head, arms, and hands inside of the bus at all times;
   d. Enter the bus in an orderly fashion;
   e. Assist in keeping the bus clean;
   f. Enter and leave bus only at their assigned bus stop;
   g. Use only the front door of the bus except in emergency situations.

5. When waiting for the bus, students will:
   a. Be on time for the bus;
   b. Stand off the traveled portion of the road or highway;
   c. Cross the road using the bus stop lights to aid them;
   d. Cross only in front of the bus.

6. Students are expected to cooperate with the bus driver at all times and follow the directions of the driver in case of emergency.

7. Only students eligible to ride a bus may do so and they may only ride the bus to which they are assigned.

Poor behavior on buses will result in the driver reporting students for violations of bus rules. The consequence for violation of bus rules is similar to the consequence for the violation of school rules. In addition to the possibility of receiving a warning, detention(s) or suspension for rules violation, the privilege

Rational for New P 1331 Prohibition Against Smoking:

It is recommended that a new P 1331 Prohibition Against Smoking be adopted. Currently we have one student policy and administrative regulation 5131.61 Prohibition of Tobacco Product Usage on School Grounds by Students and one administrative regulations in place which AR 4116.2 Smoking on School Premises by Employees.

PROHIBITION AGAINST SMOKING

The Windsor Board of Education prohibits smoking, including smoking using an electronic nicotine delivery system (e.g. e-cigarettes) or vapor product, on the real property of any school or administrative office building or at any school-sponsored activity. Real property means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office building and includes, but is not limited to, classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots. For purposes of this policy, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, and the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not contain nicotine, that is inhaled by the user of such product. As defined by Conn. Gen. Stat. § 10-233a(h), a school-sponsored activity "means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property."]

Legal References:

Conn. Gen. Stat. § 53-344b
Conn. Gen. Stat. § 19a-342a
Conn. Gen. Stat. § 10-233a(h)
Pro-Children Act of 2001, Pub. L. 107-110, 115 Stat. 1174, 20 U.S.C. § 7183

ADOPTED: _____
REVISED: _____

Rational for Revised Policy:

P 1317 POSSESSION OF DEADLY WEAPONS OR FIREARMS

We have updated the legal references section in this model policy.

POSSESSION OF DEADLY WEAPONS OR FIREARMS

I. Definitions:

A. **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." Conn. Gen. Stat. § 53a-3 (6).

B. **Firearm** means "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded, from which a shot may be discharged." Conn. Gen. Stat. § 53a-3 (19).

C. **Peace Officer** means "a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section ~~2 of public act 13-170~~ **47-65c** who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive." Conn. Gen. Stat. § 53a-3 (9).

D. **Real Property** means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office buildings. Real property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

E. **School-Sponsored Activity** "means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property." Conn. Gen. Stat. § 10-233a(h).

II. Prohibition of Deadly Weapons and Firearms

In accordance with Conn. Gen. Stat. § 29-28(e) and § 53a-217b, the possession and/or use of a deadly weapon or firearm on the real property of any school or administrative office building in this district, or at a school-sponsored activity, is prohibited, even if the person possessing the deadly weapon or firearm has a permit for such item.

III. Peace Officer Exception

A peace officer engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity.

IV. Other Exceptions

Persons in lawful possession of a deadly weapon or firearm may possess such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity if:

A. The person brings the deadly weapon or firearm on the real property of any school or administrative office building or to a school-sponsored activity for use in a program approved by school officials. In such case, the person must give school officials notice of his/her intention to bring such item, and the person must receive prior written permission from school officials.

B. The person possesses the deadly weapon or firearm on the real property of any school or administrative office building or at a school-sponsored activity pursuant to a written agreement with school officials or a written agreement between such person's employer and school officials.

V. Consequences

A. Unless subject to one of the exceptions listed above, any person who possesses a deadly weapon or firearm on the real property of an elementary or secondary school in this district, or administrative office building, or at a school-sponsored activity, whether or not the person is lawfully permitted to carry such deadly weapon or firearm, will be reported to the local police authorities once school officials become aware of its possession.

B. A student who possesses and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with Board of Education Student Discipline Policy.

C. The Board of Education reserves the right to forbid anyone caught possessing a deadly weapon or firearm on the real property of its school buildings or administrative office buildings, or at a school-sponsored activity, from using any and all school facilities.

Legal References:
Connecticut General Statutes §10-233a, **§10-244a,** § 29-28(e), §53a-3, §53a-217b ~~and Public Act 13-188~~.

ADOPTED 7/13/05
REVISED 1/14/14
REVISED

Windsor Public Schools
Windsor, CT 06095

Rational for Revised Policy:

P 4118.11 NON-DISCRIMINATION (PERSONNEL)

This policy has been updated.

Personnel

NON-DISCRIMINATION (PERSONNEL)

The Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability, pregnancy, genetic information, or gender identity or expression, except in the case of a bona fide occupational qualification.

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, genetic information, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individuals' family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

The following person has been designated to handle inquiries regarding the Board's non-discrimination polices:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue

Windsor, CT 06095
860-687-2000 x 233

The Board's Title IX Coordinator is:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

The Board's Section 504/ADA Coordinator is:

Steven Carvalho, Director of Pupil and Special Education Services
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 238

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*
Age Discrimination in Employment Act, 29 U.S.C. § 621
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233, 42 USC 2000ff; 34 CFR 1635
Connecticut General Statutes § 10-153. Discrimination on basis of marital status
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
Connecticut General Statutes § 46a-81a Discrimination on basis of sexual orientation: Definitions
Connecticut General Statutes § 46a-81c Sexual orientation discrimination: Employment.
~~Public Act 11-55, An Act Concerning Discrimination.~~

ADOPTED: July 9, 2009
REVISED: June 18, 2013
REVISED:

Personnel

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (PERSONNEL)

It is the policy of the Windsor Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students.

It is the express policy of Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, or gender identity or expression. In order to facilitate the timely resolution of such complaints and/or grievances, any employee who feels that he/she has been discriminated against on the basis of these protected characteristics should file a written complaint with:

Office of the Superintendent of Schools
~~Jeffrey A. Villar~~ Craig A. Cooke, Ph.D.
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 ext. 236
~~jvillar~~ccooke@windsorct.org

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints and/or grievances facilitates the investigation and resolution of such complaints and/or grievances.

Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified.

Specifically, upon receipt of a written complaint of discrimination, the Superintendent and/or his or her designee should:

1. offer to meet with the complainant to discuss the nature of his/her complaint;

2. provide the complainant with a copy of the Board's non-discrimination policy and accompanying regulations;

3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

4. conduct the investigation in a confidential manner, to the extent practicable, adhering to the requirements of state and federal law;

5. communicate the findings and/or results of any investigation to the complainant; and

6. take appropriate corrective and disciplinary action, as deemed appropriate by the Superintendent and/or his or her designee.

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act/Americans with Disabilities Act (ADA) (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment (for claims of discrimination and/or harassment based on sex).

For allegations pertaining to race, color or national origin discrimination, at any stage in this complaint procedure, the complainant has the right to file formal complaints regarding such matters with:

Office of Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921
Tel. (617) 289-0111
ocr.boston@ed.gov

If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the alleged discrimination.

A complainant may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, ~~1229 Albany Avenue~~, **25 Sigourney Street,** Hartford, CT 061~~2~~6 (TELEPHONE NUMBER ~~860 566 7710~~ **800-477-5737**) and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER ~~617-565-3200~~ **800-669-4000**).

The Board's Title IX Coordinator is:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

The Board's Section 504/ADA Coordinator is:

Steven Carvalho, Director of Pupil and Special Education Services

Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 238

Administrative Regulation Approved: ~~June 18, 2013~~

F 4118.11

Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095

DISCRIMINATION COMPLAINT FORM

(For Complaints Based on race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, or gender identity or expression)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

_____

Location where such discrimination/harassment occurred _____

_____

Name(s) of any witness(es) to the discrimination/harassment. _____

_____

Detailed statement of the circumstances constituting the alleged discrimination or harassment _____

_____

_____

_____

_____

_____

_____

Proposed remedy _____

Rational for Policy/Administrative Regulation:

P/AR 5141.27 POLICY REGARDING AUTOMATIC EXTERNAL DEFIBRILLATORS

This new policy for the district is in accordance with legal trends and best practices relating to the use of an automatic external defibrillator ("AED") on school property.

POLICY REGARDING AUTOMATIC EXTERNAL DEFIBRILLATORS

In order to assist individuals who may experience sudden cardiac arrest or a similar life-threatening emergency during the school's normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds, and during school sponsored events not occurring during the normal operational hours of the school, the Windsor Board of Education maintains at each school under the Board's jurisdiction, automatic external defibrillators and school personnel trained in the operation of such automatic external defibrillators and the use of cardiopulmonary resuscitation. It is the policy of the Windsor Board of Education to support the use of these automatic external defibrillators and trained school personnel during medically appropriate circumstances.

Requirements concerning the use and maintenance of AEDs are set forth in the accompanying Administrative Regulations as may be supplemented by or amended by the Administration from time to time.

For purposes of this policy and the accompanying regulations, an AED is a device that:

1) is used to administer an electric shock through the chest wall to the heart;
2) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis and, if necessary, apply therapy;
3) guides the user through the process of using the device by audible or visual prompts; and
4) does not require the user to employ any discretion or judgment in its use.

Legal References:

Connecticut General Statutes

§ 19a-175 Definitions
§ 52-557b Good Samaritan Law
§ 10-212d Availability of Automatic External Defibrillators in Schools

Regulations of Connecticut State Agencies

Department of Public Health § 19a-179-1 et seq.

ADOPTED: _____
REVISED: _____
8/18/16

ADMINISTRATIVE REGULATIONS
AUTOMATIC EXTERNAL DEFIBRILLATORS

I. Definitions:

Automatic External Defibrillator (AED) — a device that: (A) is used to administer an electric shock through the chest wall to the heart; (B) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis, and, if necessary, apply therapy; (C) guides the user through the process of using the device by audible or visual prompts; and (D) does not require the user to employ any discretion or judgment in its use.

AED certified person— a person who is certified in the operation of automatic external defibrillators and the use of cardiopulmonary resuscitation, and has a copy of his/her certification on record with the Windsor Public Schools.

II. Defibrillator Location

1. The Windsor Public Schools will have defibrillators and at least one AED certified person in each school building under the jurisdiction of the Windsor Board of Education.

2. The AEDs will be strategically placed and readily accessible to maximize rapid utilization.

III. Responsibility for Operation, Maintenance and Record-Keeping

1. The school nurse at each building in which an AED is installed will check the AED in the building on a regular basis, at least monthly. It will be that nurse's responsibility to verify that the unit is in the proper location, that it has all the appropriate equipment (battery, mask, case, emergency pack), that it is ready for use, and that it has performed its self-diagnostic evaluation. If the nurse notes any problems, or the AED's self-diagnostic test has identified any problems, the nurse must contact the **Town of Windsor Public Health Nurse or Town of Windsor Risk Manager** or designee immediately to report the problem.

2. After performing an AED check, the nurse shall indicate on the AED service log (Appendix III) that the unit has been inspected and that it was found to be "In-Service" or "Out-of-Service."

3. The **Town of Windsor Public Health Nurse or Town of Windsor Risk Manager** or his/her designee shall be responsible for the following:

   a) AED service checks during the contracted school year;
   b) the replacement of equipment and supplies for the AED;
   c) the repair and service of the AED;

d) all recordkeeping for the equipment during the school year;
e) training, or scheduling training, for all Board employees who require such training or would like to receive such training;
f) maintaining a list of AED certified persons;
g) maintaining all records concerning incidents involving the use of an AED;
h) maintaining of copies of the certifications signed by the AED certified persons (Appendix IV);
i) reporting the need for revising the AED policy and administrative regulations to the Superintendent or designee.

IV. Training for AED certified persons

The Windsor Board of Education will provide initial training or refresher training to the following classes of individuals on a biannual basis:

1) Staff who work in the Health Services Department, including all school nurses and the School Nurse Supervisor;
2) Staff who work in the Athletic Department, including all athletic trainers, head coaches and the Athletic Director; and
4) Other designated faculty and staff at each school.

The training will be provided in accordance with the standards set forth by the American Red Cross or American Heart Association. Individuals completing this training will be considered an AED certified person. **[Note: Additional staff members may be required to receive training if the District has received State or Federal or private funds designated for the purchase of AEDs and for training employees on the use of AEDs and in CPR. For additional information, see Conn. Gen. Stat. § 10-212d]**

V. Procedures for Use of an AED

1. To the extent practicable, AEDs should be retrieved and used by AED certified persons or other trained emergency medical services personnel. In the event no AED certified person or other trained emergency medical services personnel is available or present, an AED may be used by any individual in order to provide emergency care to an individual who may be in cardiac arrest or who may be experiencing a similar life-threatening emergency.

2. AEDs may only be used in medically appropriate circumstances.

3. In the event of use, the **Town of Windsor Public Health Nurse or Town of Windsor Risk Manager** shall promptly thereafter complete an AED check and verify that the unit is in the proper location, that it has all the appropriate equipment (battery, mask, case, emergency pack), that it is ready for use, and that it has performed its self-diagnostic evaluation. Any problems with the AED shall immediately be reported to the **Town of Windsor Public Health Nurse or Town of Windsor Risk Manager**.

APPENDIX I

WINDSOR PUBLIC SCHOOLS
AUTOMATIC EXTERNAL DEFIBRILLATOR LOG

Any time the AED is retrieved and/or used, the AED must be returned to its original location after retrieval/use and the individual returning the AED must complete the necessary information below:

Retrieved (Date & Time)	In-Service	*Out-of-Service	Returned (Date & Time)	In-Service	*Out-of-Service	User Signature

***If out-of-service, immediately contact the Town of Windsor Public Health Nurse or the Town of Windsor Risk Manager.**

APPENDIX II

WINDSOR PUBLIC SCHOOLS
AUTOMATIC EXTERNAL DEFIBRILLATOR
INCIDENT REPORT

Name of person completing report:_____

Date report is being completed:_____ Date of incident:_____

Name of individual on whom AED was used:_____

Age of individual on whom AED was used:_____

Known status of individual: _____ Student

_____ Parent of Student

_____ Other, Explain_____

Describe incident:

_____

_____

_____

_____

_____

List series of events from the beginning of the emergency until its conclusion:

_____

_____

_____

_____

_____

Signature of person completing form:_____

Please forward to the Town of Windsor Public Health Nurse or Town of Windsor Risk Manager no later than 48 hours after the incident.

APPENDIX III

WINDSOR PUBLIC SCHOOLS
AUTOMATIC EXTERNAL DEFIBRILLATOR SERVICE LOG

Date	Inspected and In-Service	Inspected and Out-of-Service	Signature of Nurse

Once per month or more often the School Nurse will inspect the AED. If the AED is out-of-service or does not have the appropriate equipment, the School Nurse will contact the Town of Windsor Public Health Nurse or Town of Windsor Risk Manager or designee immediately.

APPENDIX IV

CERTIFICATION OF UNDERSTANDING AND AGREEMENT

To: Windsor Board of Education

From: _____

I, _____, hereby certify that I have completed the training provided by the Windsor Board of Education concerning the operation of an automatic external defibrillator and the use of cardiopulmonary resuscitation. I further certify that I have read, understand, and agree to comply with the Windsor Board of Education Policy Regarding Automatic External Defibrillators and the accompanying Administrative Regulations.

Sincerely,

_____ _____

AED certified person Date

Rational for Administrative Regulation:

AR 6142.63 POOL SAFETY PLAN

We have updated the legal references section of these administrative regulations.

POOL SAFETY PLAN

The Board of Education establishes these procedures to govern the conduct of any student aquatic activity that takes place in any of its school swimming pools.

I. Definitions:

A. **School Swimming Pool:** means any swimming pool approved for use by the Board for student aquatic activities;

B. **Student Aquatic Activities:** means any physical education class, interscholastic athletics or extracurricular activities offered to students by the ~~board of education~~ **Board** that makes use of a school swimming pool;

C. **Qualified Swimming Coach:** means any person who (A) holds a valid coaching permit issued by the State Board of Education, and (B) (i) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (ii) has completed a safety training for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool;

D. **Qualified Educator:** means any person who (A) holds a valid certificate issued by the State Board of Education, pursuant to section 10-145b of the general statutes, with an endorsement in physical education, (B) (i) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (ii) has completed a safety training for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health;

E. **Qualified Lifeguard:** means any person who (A) is sixteen years of age or older, (B) is certified as a lifeguard by the American Red Cross or another

nationally-recognized organization that conducts aquatic training programs, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health.

II. Mandatory Supervision

A. For the 2013-2014 school year, in addition to the person responsible for conducting any student aquatic activity that makes use of a Board school swimming pool, there shall be at least one qualified educator, qualified swimming coach or qualified lifeguard who shall be solely responsible for monitoring such school swimming pool during such student aquatic activities for swimmers who may be in distress and providing assistance to such swimmers when necessary.

B. For the school year commencing July 1, 2014, and each school year thereafter, any physical education course that makes use of a Board school swimming pool shall have at least one qualified educator who shall serve as the instructor of such physical education course and be responsible for implementing the provisions of the school swimming pool safety plan, and at least one qualified educator, qualified swimming coach or qualified lifeguard whose primary responsibility is to monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.

C. For the school year commencing July 1, 2014, and each school year thereafter, any interscholastic athletic activity that makes use of a Board school swimming pool shall have at least one qualified swimming coach who shall serve as a coach of the participating students and be responsible for implementing the provisions of the school swimming pool safety plan, and at least one qualified educator, qualified swimming coach or qualified lifeguard whose primary responsibility is to monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.

D. For the school year commencing July 1, 2014, and each school year thereafter, any extracurricular activity that makes use of a Board school swimming pool shall have at least one qualified lifeguard who will monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary, and be responsible for implementing the provisions of the school swimming pool safety plan.

III. Plan Review

The Board's Pool Safety Plan shall be reviewed and updated as necessary prior to the commencement of each school year.

Legal References:

State Law:

~~Public Act 13-161, *An Act concerning Pool Safety at Public Schools*~~

Conn. Gen. Stat. § 10-2201

REGULATION APPROVED: ~~November 26, 2013~~

_____
Craig A. Cooke, Ph.D.
~~Interim~~ Superintendent of Schools

Rational for Policy/Administrative Regulation:

P/AR 6114.7 SCHOOL SECURITY AND SAFETY

We have updated the school security and safety plan policy and administrative regulations to reflect the State's position that boards of education may develop and implement either a district-wide security and safety plan with school-specific annexes for each school, or a school security and safety plan for each school in the district. We have also revised the regulations to reflect requirements contained in the current version of the school security and safety standards and for purposes of clarity.

SCHOOL SECURITY AND SAFETY

~~Each school operating under the jurisdiction of the~~The Windsor Board of Education will ~~create~~develop and implement an all-hazards ~~school~~district security and safety plan ~~to bolster its~~with a school-specific annex for each school within the district or a school security and safety plan for each school within the district to bolster their existing emergency preparedness, response capability and school safety and security measures and to best meet all-hazards threats. ~~This plan~~

Security and safety plans will be based on the school security and safety plan standards developed by the Connecticut Department of Emergency Services and Public Protection and will adhere to the requirements of state law~~and will include procedures for managing various types of emergencies and crisis management procedures. Each individual school's plan.~~

Security and safety plans should be kept securely and will only be provided to the Board of Education, school staff and administration, members of the school security and safety committees, members of state and local law enforcement, first responders~~and~~, local municipal officials or other persons authorized by the Board of Education or the Superintendent (e.g., consultants, contractors). Pursuant to Connecticut General Statutes § 1-210 (b)(19), the plan will not be available to the public.

Legal References:

State Law:

~~Public Act 13-3, *An Act Concerning Gun Violence Prevention and Children's Safety*, Sections 86, 87, 88~~

Conn. Gen. Stat. § 1-210 (b)(19)

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222m

Conn. Gen. Stat. § 10-222n

Conn. Gen. Stat. § 10-231

Conn. Gen. Stat. § 28-7

~~Conn. Gen. Stat. § 10-231~~

State Standards:

Connecticut Department of Emergency Services and Public Protection, *School Security and Safety Plan Standards*~~, December 30, 2013.~~

Federal Guidance:

Federal Emergency Management Agency, *Guide for Developing High-Quality School Emergency Operations Plans*, June 2013

Policy adopted: ~~1/22/15~~

Windsor Public Schools
Windsor, CT

SCHOOL SECURITY AND SAFETY

~~In order to create a fully individualized safety plan for each district school, each school will~~The Board of Education, through the Superintendent, shall establish a school security and safety committee.~~* The~~ at each school under the jurisdiction of the Board.* The school security and safety committee is responsible for assisting in the development of the ~~school's~~security and safety plan and in administering the plan.

The school security and safety committee shall include in its membership a local police officer, a local first responder, a teacher employed at the school, a building administrator employed at the school, a mental health professional, a parent or guardian of a student at the school and any other person the Board deems necessary [such as custodian, property manager, local emergency management director, local public health director, information technology manager, transportation coordinator, and school nurse]. Subject matter experts, including but not limited to the local public works director, food services director, the Superintendent of Schools, additional law enforcement members or first responders and representatives of the municipality or others shall be invited to participate as needed.

[*NOTE: The school security and safety committee may be combined with an existing school committee, such as the Safe School Climate Committee, as long as the Safe School Climate Committee has the required members listed below.]

The committee will meet at least annually to review and update the school's security and safety plan as necessary. In determining whether the security and safety plan requires updating, the committee will take into account the results of the security and vulnerability assessment of the school, as described in Section IV below. The security and safety committee shall also be notified of any instances of disturbing or threatening behavior that may not meet the definition of bullying and shall report such information, as necessary, to the district safe school climate coordinator.

Any information provided under this regulation shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights and Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

~~*[This committee may be the same as the Safe School Climate Committee as long as the Safe School Climate Committee has the required members listed below.]*~~ ~~The school security and safety committee shall include in its membership a local police officer, a local first responder, a teacher, a building administrator, a mental health professional, and a parent or guardian of a student at the school [and any other person the Board deems necessary such as custodian, property manager, local emergency management director,~~

~~local public health director, information technology manager, transportation coordinator, and school nurse].~~ Any Specifically, any parent/guardian serving as a member of the ~~Committee shall not~~school security and safety committee shall not have access to any information reported to the committee or participate in any activities which may compromise the confidentiality of any student. ~~Subject matter experts, including but not limited to the local public works director, food services director, the Superintendent of Schools, additional law enforcement members or first responders and representatives of the municipality or others shall be invited to participate as needed.~~

II. Security and Safety Plan

Each ~~school's all-hazards~~ school security and safety plan will be created using the format prescribed by the Connecticut State Department of Emergency Services and Public Protection/Division of Emergency Management and Homeland Security ~~in conjunction with the Connecticut State Department of Education~~. The Board will submit the finalized school security and safety plan for each school to the Department of Emergency Services and Public Protection/Division of Emergency Management and Homeland Security Regional Coordinator. On or before November 1st of each school year, the Board will submit to the Department of Emergency Management and Homeland Security Regional Coordinators one of the following: (1) those pages of the district's plans that been updated; (2) the form provided by the Department of Emergency Management and Homeland Security that the district's plans have not changed, along with an updated signature page, or; (3) a revised plan if a current plan has undergone a major revision.. Additionally, each plan will be filed as an annex to the municipality's Local Emergency Operations Plan, filed annually with DESPP/DEMHS pursuant to Conn. Gen. Stat. § 28-7. A reference kit that meets the requirements of DESPP/DEMHS will be created in conjunction with the security and safety plan, which will be available to first responders in the event of a safety or security emergency.

III. Training and Orientation for School Employees

Each school employee at the school shall receive an orientation on the district security and safety plan, including the school-specific annexes relevant to that employee, or the school's security and safety plan. Additionally, each school employee at the school shall receive violence prevention training in a manner described in the security and safety plan. The training will be conducted in cooperation with the school safety and security committee and ~~shall~~may include ~~local law enforcement, fire,~~other municipal or emergency ~~management,~~officials and ~~emergency medical~~ services. The goal of the orientation and training is to provide the school community and municipal officials with an understanding of the need for unified planning, preparedness and response.

IV. Assessments

At least every two years, the Board shall conduct a security and vulnerability assessment for each school in the district. Each school's security and safety committee shall be advised of the results of the assessment for the committee's school and such results shall be considered by the committee in updating and revising the ~~school's~~ security and safety ~~plan~~plans.

Local law enforcement and other public safety officials including the local emergency management director, fire marshal, building inspector and emergency medical services representative shall each evaluate, score and provide feedback on a representative sample of fire drills and crisis response drills at each school in the district. By July 1st of each year, the Board shall submit a report to the Department of Emergency Management Homeland Security Regional Coordinator regarding types, frequency and feedback related to the fire drills and crisis response drills.

Legal References:

State Law:

~~Public Act 13-3, *An Act concerning Gun Violence Prevention and Children's Safety*~~

Conn. Gen. Stat. § 1-210 (b)(19)

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222m

Conn. Gen. Stat. § 10-222n

Conn. Gen. Stat. § 10-231

Conn. Gen. Stat. § 28-7

~~Conn. Gen. Stat. § 10-231~~

State Standards:

Connecticut Department of Emergency Services and Public Protection, *School Security and Safety Plan Standards*, ~~December 30, 2013.~~

Federal Guidance:

Federal Emergency Management Agency, *Guide for Developing High-Quality School Emergency Operations Plans*, June 2013

Administrative Regulation approved: ~~1/22/15~~

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

Rational for Policy/Administrative Regulation:

P/AR 5125 CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

Revisions to this policy reflect the requirements of Public Act 16-189, Student Data Privacy. This Act includes a variety of requirements relative to the release of student data to third party consultants and operators of websites and mobile applications. The Act further obligates consultants, operators and school districts to provide specific notifications in the event of a breach of security relative to student data. We have also included in this revision a new paragraph in the regulations that addresses education records of transgender and gender non-conforming students, in accordance with recent guidance from the Office of Civil Rights and Department of Justice.

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

I. POLICY

The Board of Education ("Board") complies with the state and federal **laws and** regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

II. DEFINITIONS

A. Access is defined as the right to inspect or review a student's education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.

B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs-- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.

D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level,

enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to ~~educational~~ **education** records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

F. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.

G. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.

H. Education Records

1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.

2. Education records do not include:

a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";

b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate

exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;

d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;

e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

f) grades on peer-graded papers before they are collected and recorded by a teacher.

I. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.

J. Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.

K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

L. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that

student as a dependent under Section 152 of the Internal Revenue Code of 1986 is entitled to access to the student's education records without the eligible student's consent.

M. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; 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.

N. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

O. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Special Education Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.

B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as **directory information**. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

IV. CONFIDENTIALITY OF EDUCATION RECORDS

A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and administrative regulations and in a manner consistent with state and federal law.

B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.

C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.

E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the

confidentiality requirements of this policy, as well as applicable state and federal law.

V.ACCESS TO EDUCATION RECORDS

A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.

C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.

D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.

E. For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.

F. For **students requiring special education**, the Board will comply with a request to ~~inspect and review a student's education records within ten (1)) days of the request; or within three (3) days of the request if the request is in order to prepare for a meeting regarding an IEP meeting (planning and placement team meeting) or any due process proceeding.~~ **review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.**

G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy

must be in writing and the Board will comply with the written request within ~~five (5)~~ **ten (10)** school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the board of education shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's ~~educational~~ **education** records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.

I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.

J. Non-custodial Parents:

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

K. Copies of Education Records/Fees:

1) The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the

child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed **[50¢]** per page.

2) In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

   a. provide the parent or eligible student with a copy of the records requested, or

   b. make other arrangements for the parent or eligible student to inspect and review the requested records.

3) The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.

VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS

A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

1) the name of any individual, agency, or organization that requested or obtained access to the student's records;
2) the date of the request for access;
3) whether access was given;
4) the purpose for which the party was granted access to the records;
5) the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
6) the legitimate educational interest in obtaining the information.

C. The record (log) requirement does not apply to requests from, or disclosure to:

1) a parent or eligible student;
2) a party seeking directory information;
3) a party who has a signed and dated written consent from the parent and/or eligible student;
4) school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
5) persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:

1) the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
2) the parties to whom the district disclosed the information.

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, e-mailed, etc.) to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must 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.

C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

2. The disclosure is to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party (a) performs an institutional service or function for which the district would otherwise use employees, (b) is under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records. The Board shall comply with Subsection I of this policy prior to the provision of student records, student information or student-generated content to a consultant or operator, as those terms are defined in Subsection I.

3. Transfer Students:

   a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.

   b) When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.

c) Upon notification by the Department of Children and Families of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential ~~educational~~ **education** records for the student, including, but not limited to, the student's individualized education ~~plan~~ **program ("IEP")** and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.

4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs, so long as the district enters into a written agreement with the authorized representatives conducting the audit or evaluation, which agreement must comply with 34 C.F.R. 99.35(a)(3) and require that the authorized representative protects the confidentiality of personally identifiable student information consistent with FERPA requirements. Such entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law.

Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's ~~individualized education program (IEP)~~ **IEP** and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as (a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization, (b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and (c) the district enters into a written agreement with the organization conducting the study that ensures that the study protects the confidentiality of personally identifiable student information consistent with FERPA requirements.

8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

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

10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a

court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.

12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Section VI. D, above.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.

16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if (1) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and (2) any personally identifiable

data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.

17. **The disclosure is to an agency caseworker or other representative of the Department of Children and Families ("DCF") or other child welfare agency or tribal organization who has the right to access a student's case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such, except to an individual or entity engaged in addressing the student's educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.**

D. **Directory Information**

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made

while a student was in attendance unless the student rescinds the objection.

4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

E. **De-identified Records and Information**

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

   a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
   b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
   c) the record code is not based on a student's social security number or other personal information.

F. **Disciplinary Records**:

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

H. **Records of the Department of Children and Families ("DCF")**

1. Documents related to any ~~Department of Children and Families ("DCF")~~DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the ~~Family Educational Rights and Privacy Act ("~~FERPA~~")~~. As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

I. The Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator. This contracting requirement applies to any contract entered into, amended or renewed on or after **October 1, 2016.**

1. The provisions of said contract shall comply with the requirements of Public Act 16-189.

2. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall provide electronic notice to any student and the parent or legal guardian of the student affected by the contract. Such notice and the contract shall be posted on the Board's Internet web site. The notice shall:

   a. Explain that the contract has been executed and the date that such contract was executed;

   b. Provide a brief description of the contract and the purpose of the contract; and

   c. Explain what student information, student records or student-generated content may be collected as a result of the contract.

3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than forty-eight (48) hours after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to ***[Insert Name and Contact Information]***.

4. For purposes of this subsection, the following definitions are applicable:

   a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.

   b. 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.

c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.

d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.

e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:

1) 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;

2) Created or provided by an employee or agent of the Board to an operator for school purposes;

3) 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.

f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

1) Improve educational products for adaptive learning purposes and customize student learning;

2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and

3) Develop and improve the consultant's or operator's products and services.

VIII. REDISCLOSURE OF EDUCATION RECORDS

A. The school district may disclose personally identifiable information from an education record only on the conditions that:

1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and

2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.

B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.

2. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).

3. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.

4. The information is considered directory information.

C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

IX. AMENDMENT OF EDUCATION RECORDS

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:

1. Request in writing that the school district amend the records;

2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

X.HEARING RIGHTS AND PROCEDURES

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate,

misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

    a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

    b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.

3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.

5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

XI. WAIVER OF RIGHTS

A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.

2. The letters or statements are used only for the purpose for which they were originally intended.

3. The waiver is not required by the ~~agency~~ **district** as a condition of admission to or receipt of any other service or benefit from the ~~agency~~ **district**.

4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.

B. A waiver may be revoked with respect to any actions occurring after the revocation.

C. Revocation of a waiver must be in writing.

XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

A. The following definitions shall apply to Section XII of this policy:

1. Confidential HIV-Related Information

"Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning 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, including information pertaining to such individual's partners.

2. Health Care Provider

"Health Care Provider" means any physician, dentist, nurse, provider of services for the mentally ill or persons with ~~mental retardation~~ **intellectual disabilities,** or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

3. Protected Individual

"Protected individual" means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

"Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

"School medical personnel" means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-

related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.

2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:

   a. the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;

   b. any person who secures a release of confidential HIV-related information;

   c. a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;

   d. a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;

   e. a medical examiner to assist in determining cause of death; or

   f. any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a

release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.

4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.

5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.

6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general

authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.

3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

XIII.CHILD ABUSE REPORTING

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy 5141.4.

XIV.RIGHT TO FILE A COMPLAINT

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the agency that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 et seq.
Conn. Gen. Stat. § 1-220h
Conn. Gen. Stat. § 10-15b
Conn. Gen. Stat. § 10-233d
Conn. Gen. Stat. § 17-16a
Conn. Gen. Stat. § 17a-28
Conn. Gen. Stat. § 17a-101k
Conn. Gen. Stat. § 19a-581 et seq.
Conn. Gen. Stat. § 46b-134
Regs. Conn. State Agencies § 10-76d-18

~~Public Act 14-229, "An Act Concerning The Expungement Of A Pupil's Cumulative Education Record For Certain Expulsions."~~

~~Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at http://www.cslib.org/retschedules.htm~~

Public Act ~~14-229, "~~16-189, An Act Concerning ~~The Expungement Of A Pupil's Cumulative Education Record For Certain Expulsions."~~ Student Data Privacy

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at ~~http://www.cslib.org/retschedules.htm~~http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g et seq. (as amended)
USA Patriot Act of 2001, Pub. L. 107-56
~~No Child Left Behind~~ **Every Student Succeeds** Act ~~of 2001~~, Pub. L. No. ~~107-110~~ **114-95**
Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296
~~Uninterrupted Scholars Act (2013), Pub. L. 112-278~~
34 CFR 99.1 - 99.67 (as amended)
34 CFR 300.560-300.576

Dear Colleague Letter on Transgender Students, U.S. Department of Education, Office of Civil Rights, U.S. Department of Justice, Civil Rights Division (May 13, 2016), available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, ~~US~~ **U.S.** Department of Education (October 2007), available at http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/.

ADOPTED:_____
REVISED:_____
7/31/14

Optional Addition to Confidentiality Policy: *The School District may opt for dividing Student Records into the following categories and including these classifications in the Confidentiality Policy.* ***Note:*** *The following section is not required by statute, but may be included if desired by the School District.*

ADMINISTRATIVE REGULATIONS REGARDING CLASSIFICATION OF EDUCATION RECORDS

The School District will appoint a Custodian of Records who will ensure that student education records are kept as follows:

A. CATEGORY "A" RECORDS:

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.

2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.

3. All Category A records created by the district shall include the student's state-assigned student identifier (SASID).

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Category A records shall include, at a minimum, the following:

RECORD	LOCATION
a. Basic biographical information	Cumulative/Health File
b. Academic achievement (grades/transcripts)	Cumulative File
c. Date of high school graduation or equivalent	Cumulative File
d. Records of immunizations	Cumulative/Health/Pupil Personnel File
e. Attendance records (days absent/present/tardy)	Cumulative File
f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. 10-233c(e) , 10-233d(f))	Cumulative File

B.CATEGORY "B" RECORDS

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.

2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student's education record.

3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Notice of a student's suspension or expulsion shall be expunged from the student's cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.

5. *In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board's disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student's cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from

the student's cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student's first suspension or expulsion.

6. Records containing information pertaining to child abuse/neglect referrals or reports; or containing confidential HIV-related information should be kept separate from the student's cumulative folder, in confidential files.

7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.

8. Information contained in documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential in a central location. Such records shall only be disclosed in accordance with the Board's policy regarding Confidentiality and Access to Education Records.

9. Category B records shall include the following (if applicable):

RECORD	LOCATION
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
a. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File
h. Suspensions/expulsions, which shall include the student's state-assigned student identifier (SASID)	Cumulative File*
i. Parent/eligible student's signed release forms	Cumulative/Health/Pupil Personnel File

RECORD	LOCATION
j. Truancy Records (including record of parent conferences and referrals)	Cumulative File
k. Child Abuse/Neglect Forms	CONFIDENTIAL FILE IN CENTRAL LOCATION
l. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE
m. Awards	Cumulative File
n. Diagnostic test results (non special education)	Cumulative File/Pupil Personnel
o. Extracurricular Activities	Cumulative File
p. Letters of Recommendation	Cumulative File
q. Parent's/Eligible Student's signed release forms (permitting disclosure of records)	Cumulative File/Health/Pupil Personnel File
r. Diploma (if not picked up by student)	Cumulative File
s. Accident Reports	Cumulative File
t. Basic school entrance health histories	Cumulative/Health File
u. Cumulative Health Record (CHR-1, original or copy)	Health File (*copy remains with district/original follows student)
v. Individualized Health Care Plans / Emergency Care Plans	Cumulative/Health/Pupil Personnel File
w. Health Assessment Records (HAR-3)	Health File
x. Incident Reports	Cumulative File
y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID)	Health File

RECORD	LOCATION
z. Parent authorization for medications/treatments	Health File
aa. Physician's orders for medications treatments	Health File
bb. Referral forms for services based on results of mandated screenings	Health/Pupil Personnel File
cc. Sports histories and physical-examination reports	Health File
dd. Nursing Records (Health assessment data; Nursing process notes; 3rd party health records)	Health File
ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law	Cumulative File

C.CATEGORY "C" RECORDS – SPECIAL EDUCATION

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.

2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.

3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.

4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C shall include (where applicable):

RECORD	LOCATIONS
a. PPT referral forms	Pupil Personnel File
b. School counselor case records	Cumulative/ Pupil Personnel File
c. School psychologists case records	Cumulative/Pupil Personnel File
d. School social-work case records	Cumulative/Pupil Personnel File
e. School speech/language pathology case records	Cumulative/Pupil Personnel File
f. Section 504 Records	Cumulative/Pupil Personnel File
g. Special Education assessment/evaluation reports	Pupil Personnel File
h. Due process records (including complaints, mediations, and hearings)	Pupil Personnel File
i. Individual Transition Plan	Pupil Personnel File
j. Individualized Education Program ("IEP") Records	Pupil Personnel File
k. Planning and Placement Team ("PPT") records (including notices, meetings, consent forms)	Pupil Personnel File
l. Individualized Family Service Plans ("IFSPs")	Pupil Personnel File
m. Incident Reports of Seclusion	Pupil Personnel File
n. Incident Reports of Physical Restraint	Pupil Personnel File

D. CATEGORY "D" RECORDS

1. Category D records must be maintained for minimum retention period specified below.

Category "D" shall include (if applicable):

RECORD	MINIMUM RETENTION REQUIRED	LOCATION
a. Sports Contract/Student Contract (including signature sheet for student handbook)	End of school year in which signed	Cumulative File
b. Permission slips / waivers	3 years	Cumulative File
c. Free/reduced meal application and documentation	3 years	Cumulative File
d. Annual Notification to Parents (Student behavior and Discipline, Bus Conduct, Electronic Communications Systems, and the National School Lunch Program)	1 year	Cumulative File
e. Adult education Registration Records	3 years or until audited, whichever comes first	Cumulative File
f. After school program registration records	1 year	Cumulative File
g. Pesticide application notification registration form	5 years	Cumulative File
h. School registration records including residency documentation	3 years or until audited, whichever comes later	Cumulative File
i. Student portfolio work (student produced work for grading assessment)	End of year in which student received grade	May be Maintained by Individual Teachers
j. Tardy slips from parents/guardians	End of school year	Cumulative File
k. Physician's Standing orders	Permanent; revise as required. Keep old copy separately.	Health File
l. Student's emergency information card	Until superseded or student leaves school district	Cumulative/Health File
m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made on school bus (*if maintained by district)	2 weeks	N/A

o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel

E.DURATION OF EDUCATION RECORDS

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.

2. Records may be maintained for longer periods of time whenever valid cause for the retention of records is shown to the custodian of records.

3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

F. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student's name, gender, or any other information contained in education records.

2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student's education record, all education records containing the student's birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner.

G. RESPONSIBILITY FOR MAINTENANCE OF EDUCATION RECORDS

1. The Director of Pupil Personnel **[or Special Education]** is the Custodian of Records.

2. In addition, the following personnel are designated as the guardians of records for each of the schools:

   a. Categories A, B & D: Principal at each school.

   b. Category C: Case Manager at each school.

   c. With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian

of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.

d. With respect to child abuse and neglect investigation material, the Superintendent of Schools or designee shall be the guardian of the records.

3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.

4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the [_____] Public Schools.

5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

ADOPTED:_____
REVISED:_____

7/31/14

Appendix A

Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

(1)The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal **[or appropriate school official]** a written request that identifies the record(s) they wish to inspect. The principal **[or appropriate school official]** will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

(2)The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violate the student's privacy rights.

Parents or eligible students who wish to ask the District to amend a record should write the school principal **[or appropriate school official]**, clearly identify the part of the record the parents or eligible student want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

(3)The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical

consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses a student's education record without consent to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. . Further, and in accordance with state and federal law and guidance, the District may disclose education records to another school for enrollment purposes, which may include exploration of educational placement options by the District or educational placement decisions made by a planning and placement or Section 504 team, or in order to explore placement options for the provision of alternative educational opportunities.

(4)The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the agency that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

[Note: In addition, a school district may want to include a directory information public notice, as required by the regulations, 34 CFR § 99.37, with its annual notification of rights under FERPA. The following two paragraphs are recommended for inclusion and must be included in the annual notification if the school district wants to be able to disclose "Directory Information" under II.B of the Student Records Policy:]

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student, without the consent of a parent or eligible student. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to ~~educational~~ **education** records or data. Directory information does not include a student's social security number, student

identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one school year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one school year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

7/31/14

RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

I hereby authorize _____[name of individual who holds the information]_____, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning _____[name of protected individual]_____, to the following personnel:

_____1)School Nurse

_____2)School Administrator(s)

a)_____

b)_____

_____3)Student's Teacher(s)

a)_____

b)_____

_____4)Paraprofessional(s)

_____5)Director of Pupil Personnel Services

_____6)Other(s)

a)_____

b)_____

This authorization shall be valid for

_____1)The student's stay at _____ School.

_____2)The current school year.

_____3)Other _____
specify period

I provide this information based on my responsibility to consent for the health care of _____. I understand that such information shall be held confidential by the persons

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authorized here to receive such information, except as otherwise provided by law.

_____
[Name]

_____
[Relationship to Student]

_____
[Date]

7/31/14

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TRANSFER OF CONFIDENTIAL STUDENT INFORMATION

Date: _____

Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), I hereby authorize the [_____] Public Schools to **release** and/or **obtain** (please circle) the following confidential records regarding my child for the purpose of _____:

Name of Child: _____
Address: _____
_____
_____
_____
DOB: _____

Parent(s)/Guardian(s): _____
School: _____

(Please check all that apply)

	Obtain	Release
All Records	☐	☐
Cumulative File	☐	☐
Pupil Personnel/Special Education	☐	☐
Disciplinary	☐	☐
Health/Medical*	☐	☐
Other (please specify)	☐	☐

_____

_____

_____

To/From: _____
Name

Address: _____ _____ _____
Street Town State/Zip Code

Telephone:(_____)_____ Fax: (_____)_____

I understand that the information to be disclosed is protected as an "education record" under FERPA, and that such information shall not be redisclosed unless permitted under FERPA. I further understand that the officers, employees, and agents of any party that receives protected information under FERPA may use such information only for purposes for which the disclosure is made.

_____ _____
Signature of Parent/Guardian Date

_____
Print Name of Parent/Guardian

****

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***If this authorization is being used to obtain Protected Health Information from a child's physician or other covered entity under HIPAA, the following section must also be completed:**

I, the undersigned, specifically authorize _____ to disclose my child's
Name of Physician

medical information, as specified above, to my child's school, _____,
Name of School

at the above address for the purposes described below (i.e. health assessment for school entry, special education evaluation etc.):

_____

By signing below, I agree that a photocopy of this authorization will be valid as the original. This authorization will be valid for a period of one year from the date below. I understand that I may revoke this authorization at any time by notifying the physician's office in writing, but if I do, it will not have any effect on actions taken by the Physician prior to receiving such revocation.

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may no longer be protected by federal privacy regulations.

I understand that my child's treatment or continued treatment with any health care provider or enrollment or eligibility for benefits with any health plan may not be conditioned upon whether or not I sign this authorization and that I may refuse to sign it.

Any information received by the school pursuant to this authorization is subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

****

_____ _____
Signature of Parent/Guardian Date

_____
Print Name of Parent/Guardian

3/31/16 ~~7/31/14~~

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Rational for Revised Policy:

P 5145.1 STUDENT PRIVACY

We have revised this policy to bring it up-to-date with current federal law.

STUDENT PRIVACY

~~**Releasing Names of Students**~~

~~A. Names of students shall not be released to any person or organization not directly connected with the Windsor Public Schools~~

~~B. The purpose of this policy is to prevent the possible exploitation of students attending the Windsor Public Schools.~~

~~C. Notwithstanding the foregoing, military recruiters or institutions of higher learning that have requested the names, addresses and telephone numbers of secondary school students shall be provided such directory information unless parental consent is denied. Parents shall be notified of their right to opt out of having such directory information disclosed upon their child's entry into the high school.~~

~~(cf 5125 – Student Records; Confidentiality)~~

~~Policy adopted: October 21, 2008~~

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

A. *"Invasive physical examination"* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

B. *"Parent"* includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

C. *"Personally identifiable information"* includes, but is not limited to,

1. the student's name;

2. the name of the student's parent or other family members;

3. the address of the student or student's family;

4. a personal identifier, such as the student's social security number, student number, or biometric record;

5. 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

6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

D. *"Personal information"* means individually identifiable information including—

1. a student's or parent's first and last name;

2. a home or other physical address (including a street name and the name of a city or town);

3. a telephone number; or

4. a Social Security identification number.

E. *"Survey"* includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

a. political affiliations or beliefs of the student or the student's parent;

b. mental or psychological problems of the student or the student's parent;

c. sex behavior or attitudes;

d. illegal, anti-social, self-incriminating, or demeaning behavior;

e. critical appraisals of other individuals with whom respondents have close family relationships;

f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

B. Surveys Funded by Sources Other than the U.S. Department of Education:

1. Third Party Surveys

a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.

b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.

c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

i) political affiliations or beliefs of the student or the student's parent,

ii) mental or psychological problems of the student or the student's parent,

iii) sex behavior or attitudes,

iv) illegal, anti-social, self-incriminating, or demeaning behavior,

v) critical appraisals of other individuals with whom respondents have close family relationships,

vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,

vii) religious practices, affiliations, or beliefs of the student or of the student's parent,

viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.

d. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do <u>not</u> apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment*;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional materials used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

5. the sale by students of products or services to raise funds for school-related or education-related activities;

6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings:

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:

1. they are required as a condition of attendance;

2. they are administered by the school and scheduled by the school in advance;

3. they are not necessary to protect the immediate health and safety of the students; and

4. they are not required by state law.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described

above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) / screening(s).

C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Legal References:

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

ADOPTED: _____
REVISED: _____