

**NEW MILFORD BOARD OF EDUCATION  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE  
MEETING NOTICE**

RECEIVED  
TOWN CLERK

2025 JAN 31 P 12:20

NEW MILFORD, CT

**DATE: February 4, 2025  
TIME: 6:30 P.M.  
PLACE: Sarah Noble Intermediate School – Library Media Center**

**AGENDA**

**New Milford Public Schools Mission Statement**

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

**1. Call to Order**

**2. Public Comment**

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

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

**3. Discussion and Possible Action**

**A. Policy Revisions Recommended for First Read**

1. 2500 Retention and Disposition of Records and Information
2. 4131 Social Media  
4231
3. 5125 Confidentiality and Access to Education Records
4. 5131.9 Student Use of the District's Computer Systems and Internet  
Safety
5. 5112 Policy and Administrative Regulations Regarding Admission to the  
Public Schools at or Before Age Five

**B. Policies for Second Review:**

1. 5000 Non-Discrimination (Students)
2. 5111 Student Attendance, Truancy and Chronic Absenteeism

3. 5131 Student Discipline
4. 5142 Administration of Student Medications in Schools
5. 5145.45 Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
6. 5165 Graduation Requirements

#### C. Items of Information

1. 2500 R Administrative Regulations Regarding the Retention and Disposition of Records and Information
2. 4131 R Administrative Regulations Regarding Social Media  
4231 R
3. 5125 R Administrative Regulations Regarding Confidentiality and Access to Education Records
4. 5131.9 R Administrative Regulations Regarding Student Use of the District's Computer Systems and Internet Safety
5. 5112 Policy and Administrative Regulations Regarding Admission to the Public Schools at or Before Age Five
6. 5000 R Administrative Regulations Regarding Non-Discrimination (Students)
7. 5111R Administrative Regulations Regarding Student Attendance, Truancy and Chronic Absenteeism
8. 5131 R Administrative Regulations Regarding Alternative Educational Opportunities for Expelled Students
9. 5145.45 R Administrative Regulations Regarding Students and Section 504 of The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990

#### 4. Public Comment

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- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

#### 5. Adjourn

**Sub-Committee Members:** **Tammy McInerney, Chairperson**  
**Sarah Herring**  
**Dean Barile**  
**Randall Scofield**

**Alternates:** **Wendy Faulenbach**  
**Eric Hansell**

**Note: This policy was revised in light of new guidance issued by the Connecticut State Library, Office of the Public Records Administrator (“OPRA”) on June 4, 2024. Previous OPRA guidance permitted public agencies to develop, maintain, and submit internal digitization policies for OPRA’s approval in lieu of requesting OPRA’s authorization to dispose of original (non-permanent) paper records after such records had been digitized. OPRA’s new guidance reverses the previous guidance and no longer permits public agencies to maintain internal digitization policies in lieu of seeking disposal authorization. The revised policy reflects OPRA’s new guidance and updated procedures and forms for disposition of original source records that have been converted to digitized records and/or when the district seeks to digitize and dispose of records on an ongoing basis.**

**Series 2000  
Administration**

**2500**

## **POLICY AND ADMINISTRATIVE REGULATIONS REGARDING THE RETENTION AND DISPOSITION OF RECORDS AND INFORMATION**

### **I. INTRODUCTION**

The New Milford Board of Education (the “Board”) complies with all state and federal laws and regulations regarding the retention, storage, and disposition of records. The Superintendent or designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and disposition of records and the dissemination of such administrative regulations to all school officials, employees, and individuals granted access to the computer systems and/or networks of the New Milford Public Schools (the “District”) and/or who send electronic messages as part of their work for the District. Collectively, all individuals granted access to the District’s computer systems are referred to as the “Users”.

### **II. RETENTION OF RECORDS**

The District shall comply with all minimum standards set forth in the Municipal Records Retention Schedules for public records, as issued by the Office of the Public Records Administrator for the State of Connecticut (“OPRA”). Retention requirements apply to the official record copy of a public record and are based on the content and function of the public record, not the media type. As such, the same record retention period that applies to paper records applies to electronically stored information. Therefore, like paper records, the content and function of an electronic record, including electronic messages, determine the retention period for that document.

If records are kept in both electronic and hard copy format, the District shall designate which record is the official record copy. The designated official copy shall be the legally recognized copy maintained for record retention purposes.

In addition to the retention guidelines established by the Board and used by District officials and employees, all District officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or

may be anticipated to involve future litigation. Record preservation under such circumstances shall only be required after receipt of formal written notice of such requirement by the Superintendent or designee.

### III. USE OF ELECTRONIC MESSAGES AND ELECTRONIC COMMUNICATIONS

The Board has installed computers and a computer network(s), including Internet access and electronic messaging systems, on Board premises and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, Smartphones, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content (such as Snapchat), and security focused platforms (such as Signal). The Board's computers, computer networks, electronic devices, Internet access and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the District.

Electronic messages sent by Users as part of their work and/or by using the District's computer systems and/or network(s) are not private communications and are potentially subject to disclosure, regardless of whether the messages are sent using personal devices or the District's computer systems. Users must understand that the Board has reserved the right to conduct monitoring of the District's computer systems and may do so *despite* the assignment to individual Users of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system User.

*The computer systems' security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, Users must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District's computer systems, including any incidental personal use permitted in accordance with the Board's policy and regulations regarding computer use by Users.*

Any retained messages may be retrieved for a variety of purposes, including but not limited to as part of routine monitoring by the District, an employee investigation, a search for documents pursuant to a Freedom of Information Act request, a formal discovery process as part of litigation, or other legal processes such as a response to a subpoena. Users should bear in mind that electronic messages may be retained at different locations within the computer systems and/or devices and that these messages are subject to retrieval, regardless of whether the User has deleted such messages from the User's or the District's accounts. Consequently, Users should use discretion when using computers or other electronic technology to send, record or retain electronic messages and information.

#### IV. DISPOSITION OF RECORDS

The disposition of records, or the destruction or transfer of records to the custody of another entity, shall only occur in accordance with relevant state and federal laws and guidelines established by the OPRA. The District shall also follow the OPRA's specific protocols for the disposition of permanent, historical and archival records. If a record does not appear on a records retention schedule, the District shall contact the OPRA for further guidance before disposing of any such record.

##### Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)  
Conn. Gen. Stat. § 7-109  
Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Office of the Public Records Administrator ("OPRA")

OPRA, Public Records Policy 04, *Electronic Records Management* (Dec. 2022)  
OPRA, Public Records Policy 04-1, *Electronic Records* (Dec. 2022)  
OPRA, Public Records Policy 04-2, *Digital Imaging* (Dec. 2022)  
OPRA, Public Records Policy 05, *Disposition of Public Records* (Nov. 2011)  
OPRA, *Public Records Memorandum 101: Disposition of Original Paper Records After Scanning* (June 2024)

Connecticut State Library, State Archives ("State Archives"), *State Archives Policy 01: Transfer of Historical Records to the State Archives of Other Approved Archival Repository* (October 15, 2019)

Record Retention Schedules Towns, Municipalities and Boards of Education

OPRA, Records Disposition Authorization, Form RC-075 (revised 12/2021)

OPRA, Authorization for Disposal of Original Non-Permanent Records Stored as Digital Images, Form RC-040 (revised 5/2024)

OPRA, Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045 (revised 5/2024)

OPRA, Certification for Disposition of Original Permanent/Life of Structure Records Stored as Digital Images, Form RC-245 (revised 5/2024)

Frequently Asked Questions about E-mail, CT Public Records Administrator, available at <https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf>.

Approved: November 15, 2022  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

## ADMINISTRATIVE REGULATIONS REGARDING THE RETENTION AND DISPOSITION OF RECORDS AND INFORMATION

### I. INTRODUCTION

The New Milford Board of Education (the “Board”) complies with all state and federal laws and regulations regarding the retention, storage and disposition of records. These administrative regulations are designed to assist in implementation of the Board’s policy regarding the retention, storage, and disposition of public records. These regulations shall be disseminated and/or made available to all school officials, employees, and individuals granted access to the computer systems and/or networks of the New Milford Public Schools (the “District”) and/or who send electronic messages as part of their work for the District. Collectively, all individuals granted access to the District’s computer systems are referred to as the “Users.”

These regulations supplement and do not replace District policy relating to education records.

### II. DEFINITIONS

- A. Archival record means a public record, which, regardless of format, possesses enduring value if it documents or contains information on one or more of the following: 1) the evolution of the Board, the District, or their policies and practices; 2) claims or petitions against the Board or the District and the disposition of those claims or petitions; 3) obligations and claims made on citizens by the Board or the District and their disposition; 4) the legal and legislative history of the Board or the District; and/or 5) topics of research value beyond the specific administrative, legal or fiscal reasons the records were originally created.
- B. Computer systems mean the Board’s computers, computer networks, electronic devices, Internet access and electronic messaging systems, which are provided in order to enhance both the educational opportunities for students and the business operations of the District.
- C. Digital imaging means the process of converting original records on paper or film into electronic images. The process typically requires a document scanner or digital camera, a computer and software to capture the image, and indexing of the digitized images.
- D. Digitized record means an electronic record created by converting paper or other media formats to a digital form that is of sufficient authenticity, reliability, usability, and integrity to serve in place of the original source record.

- E. Disposition means a final administrative action taken with regard to records, including destruction, transfer to another entity, or permanent preservation.
- F. Electronic messages mean e-mail, fax, instant messaging, text messaging, and Web-based messaging services. Electronic messages may be transmitted by a variety of mediums, including computers and mobile computing devices. In addition to the body of the message, electronic messages also contain metadata, such as transactional information (*e.g.*, date and time sent, sender/receiver) and may contain attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents.
- G. Electronic messaging systems mean mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content (such as Snapchat), and security focused platforms (such as Signal).
- H. Electronically stored information means information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.
- I. Historical record means a public record that has been determined to possess value in documenting the history of an organization and is thus worthy of permanent preservation.
- J. Official record copy means the specific copy of a public record, as provided in C.G.S. § 1-200(5), designated by the public agency as the legally recognized copy that must be maintained for records retention, preservation, and authentication.
- K. Non-records mean items that are not usually included within the scope of official records. Examples of non-records are extra (duplicate) copies kept only for convenience, reference materials, blank forms, and spam and unsolicited advertisements.
- L. Permanent records mean records that have been determined to have sufficient historical, administrative, legal, fiscal, or other value to warrant continuing preservation.
- M. Public records mean any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any method.

- N. Routine correspondence means any communication that is part of or relates to commonplace tasks or duties within an office and is done at regular or specified intervals.
- O. Source record/original source record means the record from which a digitized version or digitized record is created.
- P. Transitory correspondence consists of communication that does not relate to an individual's job responsibilities or has a short-term administrative value.

### **III. RECORDS CUSTODIAN**

The Superintendent of Schools shall designate a Records Custodian who will be responsible for the implementation of District policies and regulations for the retention of records, including electronic messages and electronically stored information.

The District's Record Custodian is:

Laura Olsen  
Director of Special Services and Pupil Personnel  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-2654  
Email: [Olsenl@newmilfordps.org](mailto:Olsenl@newmilfordps.org)

### **IV. RETENTION OF RECORDS**

The District shall comply with the minimum standards set forth in the Municipal Records Retention Schedules for public records, as issued by the Office of the Public Records Administrator for the State of Connecticut ("OPRA"). Retention requirements apply to the official record copy of a public record and are based on the content and function of the public record, not the media type.

If records are kept in both electronic and hard copy format, the District shall designate which record is the official record copy. The designated official record copy shall be the legally recognized copy maintained for records retention. When District officials or employees are unsure which copy serves as the official record copy, they should contact the Record Custodian for clarification.

In addition to the retention guidelines established by the Board and used by District officials and employees, all District officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation. Record preservation under such circumstances shall only be required after receipt of formal written notice of such requirement by the Superintendent or designee.

### **V. CLASSIFICATION OF ELECTRONIC MESSAGES**

The same record retention policy that applies to paper records applies to electronically stored information, including electronic messages. Therefore, like paper records, the content and function of an electronic record, including electronic messages, determine the retention period for that document.

District officials and employees shall use the following steps in determining whether to maintain electronic messages and, if so, for how long:

Step 1: Determine whether the message is a public record or a non-record.

Step 2: If the message is a non-record, destroy at will (e.g., spam and unsolicited advertisements).

Step 3: If the message is a record, determine which records series the message belongs to, for example:

1. If the message is Transitory Correspondence, delete at will.
2. If the message is Routine Correspondence, retain for 2 years.
3. If the message is All Other Correspondence, retain for the equivalent records series.

Step 4: Maintain the messages for the required retention period under the equivalent records series.

## **VI. DIGITAL IMAGING OF PAPER/HARD COPY RECORDS**

Paper records may be digitized and maintained as electronic records; however, in doing so, the District must ensure the authenticity, reliability, integrity and usability of the reformatted records. If the District uses a vendor for digital imaging services, the District remains responsible for ensuring compliance with this policy.

In its use of digital imaging, the District shall:

1. Establish and maintain a quality assurance process designed to ensure the creation of accurate and authentic digital images and accurate indexes and production metadata.
2. Create and maintain accurate and authentic digital images in accordance with accepted standards and best practices.
3. Create and maintain accurate indexes and production metadata designed to properly identify and retrieve digital images.
4. Store and protect digital images against file corruption, alteration, or deletion throughout the designated retention period.

5. Perform periodic backups of all digital images, associated indices, and production metadata and maintain a geographically remote offsite backup copy designed to enable recovery and access in the event of a wide-spread disaster or emergency.
6. Perform and certify annual tests of backup media designed to ensure all files have been backed up and are readable.
7. Migrate digital images, associated indexes, and production metadata to a newer media platform or file format as needed in a manner designed to ensure the content remains accessible.
8. Define and document the normal operations and use of the imaging technology and electronic content management system in a manner designed to ensure system trustworthiness.
9. Comply with Public Records Policy 04: Electronic Records Management, Public Records Standards 04-1: Electronic Records, and the digital imaging standards established by the OPRA in Public Records Standards 04-2: Digital Imaging.

## **VII. RETENTION OF ELECTRONIC RECORDS**

Electronic messages and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

The Records Custodian will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system-wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all electronic messages and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected Users will be notified about the procedures to be followed to implement this process. The Records Custodian or designee shall follow up with notified Users to promote compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall establish processes designed to ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

## **VIII. DISPOSITION OF PUBLIC RECORDS**

The disposition of public records shall only occur in accordance with relevant state and federal statutes and guidelines established by the OPRA. The District shall also follow the OPRA's specific protocols for the disposition of permanent, historical and archival records. If a record does not appear on a records retention schedule, the District shall contact the OPRA for further guidance before disposing of any such record.

The OPRA provides for two separate processes for (1) the disposition of official record copies and (2) the disposition of original source records, where such records have been appropriately digitized. If the District uses a vendor for disposition of records, the District remains responsible for ensuring compliance with these regulations.

#### **A. Disposition of Official Record Copies**

If a record is the official record copy, the District may not dispose of such record until the applicable retention period has been met and the District has received signed authorization from the OPRA or State Archives. The District shall adhere to the following steps in determining whether to dispose of official record copies:

- Step 1:** Ensure the proper records retention schedule has been met for the document(s) at issue. All records proposed for disposition must be on an approved records retention schedule. *If a record is not on a schedule, the record cannot be disposed, and the OPRA must be contacted for further direction. For permanent, historical, and/or archival records, contact the State Archives for further instruction.*
- Step 2:** Submit the Records Disposition Authorization Form RC-075 ("RC-075 Form) to request authorization to dispose of the official record copy, in accordance with Public Records Policy 05: Disposition of Public Records (PRP 05) and at least thirty (30) days prior to the proposed date of destruction.
- Step 3:** Receive signed authorization indicating approval from the OPRA before disposing of any official record copy.
- Step 4:** Follow the OPRA guidance regarding the method of disposal. If records are being destroyed, follow OPRA guidance based on the format of the record to be destroyed (e.g., whether hard copy or electronic media).
- Step 5:** Document that the original source records were destroyed lawfully. The District shall follow a destruction process by which content is systematically deleted with an audit trail that is legally admissible in court.
- Step 6:** Record the actual date of destruction on RC-075 Form and attach any supporting documentation.
- Step 7:** Retain the RC-075 Form and any supporting documentation for the retention period for Records Disposition Authorization records.

## B. Disposition of Original Source Records After Scanning

If paper public records have been converted to digitized records and/or if the District seeks to digitize and dispose of such records on an ongoing basis, the District shall retain and/or dispose of original source records pursuant to the following guidelines.

### Less-than-Permanent Records:

**Step 1:** For less-than-permanent records that have already been digitized, the Records Custodian must complete and submit the Authorization for Disposal of Original Non-Permanent Paper Records Stored as Digital Images Form RC-040 (“RC-040 Form”) to request approval for disposal of original non-permanent records that have been reformatted as digital images.

- a. The RC-040 Form must be signed by the Records Custodian and the Superintendent and completed in accordance with the instructions on the form.
- b. The District must receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of original source records.

For less-than-permanent records that will be digitized and disposed on an ongoing basis, the Records Custodian must complete and submit the Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045 (“RC-045 Form”) to request pre-authorization to dispose of original non-permanent source records stored as digital images.

- a. The RC-045 Form must be signed by the Records Custodian and the Superintendent and completed in accordance with the instructions on the form.
- b. The District must receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of non-permanent original source records on an ongoing basis. The RC-045 Form certifies that records will be digitized on an ongoing basis as part of standard business practices. This authorization only applies to the original non-permanent records within the series approved on the RC-045 Form.
- c. The Records Custodian, in consultation with the Superintendent, *must renew certification annually* by submitting a completed RC-045 Form. *Certification does not extend beyond the 12-month period.*

- Step 2:** Once digitized, and upon approved destruction of the paper records, the Records Custodian must designate the digitized record as the official record copy. All digitized records will be properly maintained and will remain accessible for the full retention period.
- Step 3:** The District must document that the original source records were destroyed lawfully and document the actual date of disposition on the respective form, the RC-040 Form or the RC-045 Form. The District shall follow a destruction process by which content is systematically deleted with an audit trail that is legally admissible in court.
- Step 4:** The District shall record the actual date of disposition on the RC-040 or RC-045 Form, as applicable, and retain such form and any supporting documentation for the retention period for Records Disposal Authorization records.

**Permanent, Historical, Archival, or Life of Structure Records:**

- Step 1:** For permanent, historical, archival, or life of structure records, the Records Custodian must complete the Certification for Disposal of Original Permanent/Life of Structure Records Stored as Digital Images Form RC-245 (“RC-245 Form”) in accordance with the instructions on the form. The RC-245 Form permits the District to request pre-authorization to dispose of original paper permanent, historical, archival or life of structure records stored as digital images. The Records Custodian must ensure that the digital records are accessible for the full retention period. The Records Custodian and Superintendent of Schools must also certify that all other requirements set forth in the RC-245 Form are met.
- a. The District shall follow specific requirements for digitizing permanent, archival, historical or life structure records as outlined in the Public Records Policy 04: Electronic Records Management, Public Records Standards 04-1: Electronic Records, and Public Records Standards 04-2: Digital Imaging.
  - b. The District must evaluate, update, and resubmit this certification for approval every 5 years **or** under the following conditions, whichever comes first:
    - i. To reflect changes in information systems, scanning procedures, storage methods, or any other systems or workflows that could affect the quality, accessibility, or preservation of digital images produced under this certification;
    - ii. Upon updates to retention periods or public records and digital preservation guidance;

- iii. When seeking approval for scanning and disposing of additional permanent record series, date groups, or sets other than those previously approved; or
  - iv. When decommissioning a legacy system used to create or store any digitized permanent records.
- c. The District must notify the State Archives prior to destroying permanent paper records and receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of an original source record. Records may not be disposed until the District has received this signed authorization.
  - d. Upon approval of the RC-245 Form, the State Archivist may request transfer of paper records or a scheduled transfer of the digitized records to the State Archives.

**Step 2:** Once digitized, and upon approved disposition or destruction of the paper records, the Records Custodian must designate the digitized record as the official record copy. All digitized records will be properly maintained and will remain accessible for the full retention period.

**Step 3:** The District must document that the original source records were disposed of lawfully and document the actual date of disposition on the RC-245 Form.

**Step 4:** Following disposal of the original source records, the Records Custodian must forward the signed original Form (and any supporting documentation) to the Office of the Town Clerk for retention and may keep a duplicate copy.

**Step 5:** The District shall retain duplicates of the RC-245 Form and any supporting documentation for the retention period for Records Disposal Authorization records.

Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. § 7-109

Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Office of the Public Records Administrator

OPRA, Public Records Policy 04, *Electronic Records Management* (Dec. 2022)

OPRA, Public Records Policy 04-1, *Electronic Records* (Dec. 2022)

OPRA, Public Records Policy 04-2, *Digital Imaging* (Dec. 2022)

OPRA, Public Records Policy 05, *Disposition of Public Records* (Nov. 2011)

OPRA, *Public Records Memorandum 101: Disposition of Original Paper Records After Scanning* (June 2024)

OPRA, *Records Management Terms* (July 2015)

Connecticut State Library, State Archives (“State Archives”), *State Archives Policy 01: Transfer of Historical Records to the State Archives of Other Approved Archival Repository* (October 15, 2019)

Record Retention Schedules Towns, Municipalities and Boards of Education

OPRA, *Records Disposition Authorization, Form RC-075* (revised 12/2021)

OPRA, *Authorization for Disposal of Original Non-Permanent Records Stored as Digital Images, Form RC-040* (revised 5/2024)

OPRA, *Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045* (revised 5/2024)

OPRA, *Certification for Disposition of Original Permanent/Life of Structure Records Stored as Digital Images, Form RC-245* (revised 5/2024)

Frequently Asked Questions about E-mail, CT Public Records Administrator, *available at* <https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf>.

Regulations approved:

Regulations revised:

**Note: This policy and the accompanying regulations were revised to clarify various categories of employees' social media use (i.e., personal social media use and official social media use), as such uses are subject to different considerations under the First Amendment. We have also revised the policy in light of the Supreme Court's recent decision in *Lindke v. Freed*, 601 U.S. 187 (2024) to flag that, in certain circumstances, public employee social media posts could be considered "mixed use" for both personal and government action and to identify steps employees can take to help avoid a finding of state action on their personal social media pages. We have also added legal citations and made technical edits throughout.**

**Series 4000  
Personnel**

**4131  
4231**

## **POLICY AND ADMINISTRATIVE REGULATIONS REGARDING SOCIAL MEDIA**

The New Milford Board of Education (the "Board") recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee's right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees' use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from personal social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district or is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications (e.g., when such speech relates to a matter of public concern and its disruptive impact outweighs the importance of the speech);
- 2) creates a hostile work environment;
- 3) breaches confidentiality obligations of school district employees; or
- 4) violates the law, Board policies and/or other school rules and regulations.

Employees' official social media use will be addressed as speech pursuant to duty under applicable First Amendment principles.

The Board, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal References:

U.S. Constitution, Amend. I  
Pickering v. Board of Education, 391 U.S. 563 (1968)  
Connick v. Myers, 461 U.S. 138 (1983)  
Garcetti v. Ceballos, 547 U.S. 410 (2006)  
Lindke v. Freed, 601 U.S. 187 (2024)

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Constitution, Article I, Sections 3, 4, 14  
Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-48d  
Conn. Gen. Stat. § 31-51q  
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Approved: August 15, 2023  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

## ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA

The New Milford Board of Education (the “Board”) recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in the Board’s policy or these administrative regulations is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between the Board’s policy or these regulations and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees’ use of personal online accounts, will not be a legal or policy issue. While a policy or regulation cannot address every instance of inappropriate social media use, employees must refrain from personal social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district or is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications (e.g., when such speech relates to a matter of public concern and its disruptive impact outweighs the importance of the speech);
- 2) creates a hostile work environment;
- 3) breaches confidentiality obligations of school district employees; or
- 4) violates the law, Board policies and/or other school rules and regulations.

Employees’ official social media use will be addressed as speech pursuant to duty under applicable First Amendment principles.

### **Definitions:**

The rapid speed at which technology continuously evolves makes it difficult, if not impossible, to identify all types of social media.

Thus, the term “*social media*” includes a variety of online tools and services that allow users to publish content and interact with their audiences. By way of example, social media includes, but is not limited to, the following websites or applications, including an employee’s personal online account using such social media:

- (1) social-networking (e.g., Facebook, LinkedIn, Google+);
- (2) blogs and micro-blogs (e.g., X, Tumblr, Medium);
- (3) content-sharing (e.g., Scribd, SlideShare, DropBox);
- (4) imagesharing, videosharing or livestreaming (e.g., TikTok, Snapchat, YouTube, Instagram, Pinterest);
- (5) other sharing sites or apps such as by sound, location, news, or messaging, etc. (e.g., Reddit, Kik, SoundCloud, WhatsApp).

“*Board of Education*” or “*Board*” includes all names, logos, buildings, images and entities under the authority of the Board.

“*Electronic communications device*” includes any electronic device that is capable of transmitting, accepting or processing data, including, but not limited to, a computer, computer network and computer system, and a cellular or wireless device.

“*Personal online account*” includes any online account that is used by an employee 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 websites. Personal online account does not include any account created, maintained, used or accessed by an employee for a business, educational, or instructional purpose of the Board.

### **Rules Concerning District-Sponsored Social Media Activity**

1. In order for an employee to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the prior permission of the employee’s supervisor.
2. Employees may not use personal online accounts to access social media for classroom activities without express permission of the employee’s supervisor. Where appropriate and with permission, district-sponsored social media accounts should be used for such purposes.
3. If an employee wishes to use social media sites to communicate meetings, activities, games, responsibilities, announcements, etc., for a school-based club, school-based activity, official school-based organization, or official school-based sports team (collectively, a “school-based group”), the employee must also comply with the following rules:
  - The employee must receive the permission of the employee’s immediate supervisor.
  - The employee must not use the employee’s personal online account for such purpose but shall use a Board-issued account.
  - The employee must ensure that such social media use is compliant with all Board policies, regulations, and applicable state and federal law, including the provision of required legal notices and permission slips to parents.
  - The employee must set up the school-based group as a group list which will be “closed” (e.g., membership in the group is limited to students, parents/guardians, and appropriate school personnel), and “monitored” (e.g., the employee has the ability to access and supervise communications on the social media site).
  - Parents/guardians shall be permitted to access any page that their child has been invited to join.
  - Access to the page may only be permitted for educational purposes related to the school-based group.

- The employee responsible for the page will monitor it regularly. If members of the group are permitted to contribute or comment on the site, the employee will monitor the communications and address any inappropriate communications in a manner designed to be consistent with Board policies and applicable law.
  - The employee's supervisor shall be permitted access to any page established by the employee for a school-based group or school-related purpose.
  - Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
4. Employees are prohibited from making harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate statements in their social media communications using district-sponsored sites or accounts or through Board-issued electronic accounts.
  5. Employees are required to comply with all Board policies and procedures and all applicable laws with respect to the use of electronic communications devices, networks, Board-issued accounts, or when accessing district-sponsored social media sites or while using personal devices on the district's wireless network or while accessing district servers.
  6. The Board reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any communication made through social media, including personal online accounts, while using district electronic communications devices or while accessing district networks from a privately owned device.
  7. All communications through district-sponsored social media or Board-issued electronic accounts must comply with the Board's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with the employee's supervisor prior to communicating such information.
  8. An employee may not link a district-sponsored social media page to any personal online account or sites not sponsored by the school district.
  9. An employee may not use district-sponsored social media or Board-issued electronic accounts for communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purposes.
  10. An employee may not use district-sponsored social media or Board-issued electronic accounts in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

## **Rules Concerning Personal Online Accounts**

1. The Board understands that employees utilize social media and the web for personal matters in the workplace. The Board reserves the right to monitor all employee use of district electronic communications devices, including a review of online and personal social media activities. An employee should have no expectation of personal privacy in any personal communication made through social media while using district computers, district-issued cellular telephones, other electronic communications devices or when accessing district networks. While the Board reserves the right to monitor use of its electronic communications devices, employees may engage in incidental personal use of social media in the workplace so long as such use does not interfere with operations and productivity and does not violate other Board policies.
2. An employee may not mention, discuss, reference, or link to the Board of Education, the school district or its individual schools, programs or school-based groups, including sports teams, using personal online accounts or other sites or applications in a manner that could reasonably be construed as an official school district communication, unless the employee also states within the communication that such communication is the personal view of the employee of the school district and that the views expressed are the employee's alone and do not represent the views of the school district or the Board. An example of such a disclaimer is: "the opinions and views expressed are those of the author and do not necessarily represent the position or opinion of the school district or Board of Education." For example, except as may be permitted by Board policy, employees may not provide job references for other individuals on social media that indicate that such references are made in an official capacity on behalf of the Board.
3. Employees should be aware that, in certain circumstances, their posts on personal social media pages could be considered "mixed use" for both personal and government (e.g., school district) action. To avoid a finding of state action on their personal pages, employees should take care *not* to post anything that could be interpreted as an official action attributable to the Board or school district. Employees who fail to make clear that they are speaking in their personal, not official, capacity may expose themselves to liability in certain circumstances, including those associated with deleting comments from and/or blocking an individual from their social media pages.
4. Employees are required to maintain appropriate professional boundaries with students, parents and guardians, and colleagues. For example, absent an unrelated online relationship (e.g., relative, family friend, other affiliation (such as scout troop, religious affiliation, or community organization) or personal friendship unrelated to school), it is not appropriate for a teacher or administrator to "friend" a student, parent, or guardian or otherwise establish special relationships with selected students through personal online accounts, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.
5. In accordance with the public trust doctrine, employees are advised to refrain from engaging in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications through personal online accounts. Such

communications reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill the employee's professional responsibilities.

6. Employees are individually responsible for their personal communications through social media and personal online accounts. Employees may be sued by other employees, parents, guardians, or others, and any individual that views an employee's communication through social media and personal online accounts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. In addition, employees should consider refraining from posting anything that belongs to another person or entity, such as copyrighted publications or trademarked images. As all of these activities are outside the scope of employment, employees may be personally liable for such claims.
7. Employees are required to comply with all Board policies and procedures with respect to the use of electronic communications devices when accessing personal online accounts and/or social media through district computer systems. Any access to personal online accounts and/or personal social media activities while on school property or using school district equipment must comply with those policies and may not interfere with an employee's duties at work.
8. All communications through personal online accounts and/or social media must comply with the Board's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with the employee's supervisor prior to communicating such information.
9. An employee may not post official Board material using a personal online account without written permission of the employee's supervisor.
10. All of the Board's policies and administrative regulations apply to employee use of personal online accounts in the same way that they apply to conduct that occurs in the workplace and off duty conduct.

#### **Access to Personal Online Accounts**

1. An employee may not be required by the employee's supervisor to provide the employee's username, password, or other means of authentication of a personal online account.
2. An employee may not be required to authenticate or access a personal online account in the presence of the employee's supervisor.
3. An employee may not be required to invite or accept an invitation from the employee's supervisor or required to join a group with the employee's personal online account.

**Use of Crowdfunding Activities**  
OR  
Prohibition on Crowdfunding Activities:

**Use of Crowdfunding Activities**

Prior to engaging in any crowdfunding activities (*e.g.*, DonorsChoose, Kickstarter, GoFundMe, etc.) for the Board, its schools, classes, or extracurricular teams or clubs, an employee must first apply in writing to the building principal and receive approval for the crowdfunding activity. Such written application must include the name of the website or application to be utilized, a full description of the reason for the crowdfunding activity, a copy of the proposed personal profile to be listed on the site/application, and the proposed content to be uploaded to the crowdfunding website or application, including images. Any money received from crowdfunding activities must be deposited directly into a school activity fund and may not first be received by the employee. Crowdfunding activities must comply with all Board policies, regulations and procedures, and shall not include photos of students or the sharing of any confidential student information.

**Disciplinary Consequences**

Violation of the Board's policy concerning the use of social media or these administrative regulations may lead to discipline up to and including the termination of employment consistent with state and federal law.

An employee may face disciplinary action up to and including termination of employment if an employee transmits, without the Board's permission, confidential information to or from the employee's personal online account.

An employee may not be disciplined for failing to provide the employee's username, password, or other authentication means for accessing a personal online account, failing to authenticate or access a personal online account in the presence of the employee's supervisor, or failing to invite the employee's supervisor or refusing to accept an invitation sent by the employee's supervisor to join a group affiliated with a personal online account, except as provided herein.

Notwithstanding, the Board may require that an employee provide the employee's username, password, or other means of accessing or authenticating a personal online account for purposes of accessing any account or service provided by the Board for business purposes or any electronic communications device supplied by or paid for, in whole or in part, by the Board.

Nothing in this policy or regulations shall prevent the district from 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 an activity on an employee's personal online account or based on specific information about the transfer of confidential information to or from an employee's personal online account. During the course of such investigation, the district may require an employee to allow the district to access the

employee's personal online account for the purpose of conducting such investigation. However, the employee will not be required to provide the employee's username and/or password or other authentication means in order for the district to access the personal online account.

Legal References:

U.S. Constitution, Amend. I

Pickering v. Board of Education, 391 U.S. 563 (1968)

Connick v. Myers, 461 U.S. 138 (1983)

Garcetti v. Ceballos, 547 U.S. 410 (2006)

Lindke v. Freed, 601 U.S. 187 (2024)

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Regulation approved:

Regulation revised:

**Note: This policy was revised to clarify that the district’s Title IX Coordinator is a school official with a legitimate educational interest in student records when performing the functions of their professional duties. The Model Notification of Rights Under FERPA has also been updated to reflect this change. These revisions are based on the U.S. Department of Education’s commentary to the 2024 Title IX Final Regulations that provides, in order to comply with Title IX and FERPA, a school district must establish criteria in its annual notification of FERPA rights to permit its Title IX Coordinator to constitute a school official with a legitimate educational interest when performing their duties. Technical edits were made throughout the document.**

Series 5000  
Students

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## **POLICY AND ADMINISTRATIVE REGULATIONS REGARDING CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

### **I. POLICY**

The New Milford Board of Education (“Board”) complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records maintained by the New Milford Public Schools (the “District”). 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. Directory information 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 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 District or persons acting for the District.
  - 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 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 District that are 1) made and maintained in the normal course of business, 2) relate exclusively to 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 a 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 District must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review their treatment records;
- e) records created or received by the 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. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill their professional responsibilities. The District's Title IX Coordinator has a legitimate educational interest when performing the functions of their professional duties.
- K. 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.

- L. 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 the student's 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 parent'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.
- M. 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); the District's Title IX Coordinator; a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); 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 the school official's tasks.
- N. 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 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 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 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 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 District from requiring students to wear or display a student identification card.
- C. In the annual notification, the District will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, 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 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 Article 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 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 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 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 U.S.C. § 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 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 education records **only if** they have been determined by the District 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 Article VII, below.

I. Pursuant to the procedures set forth in Article 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:

1. Divorced Parents

A parent does not lose the right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the 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.

2. Incarcerated Parents

Nothing in this policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

- (a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;
- (b) such incarcerated parent has been convicted in Connecticut or any other state of sexual assault in violation of Conn.

Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or

- (c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

K. Unaccompanied Youth:

Notwithstanding anything in this policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the District. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

L. Copies of Education Records/Fees:

1. The 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 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 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 District must maintain the records. The District will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the 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 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 District or its designated agent(s) may not permit release of education records or any information from such records that contain 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 Article 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, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, 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. School Officials:
    - a) The disclosure is to other school officials within the District, including teachers, who have been determined by the District to have legitimate educational interests in the education records.
    - b) A contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions, provided that the party:
      - 1) performs an institutional service or function for which the District would otherwise use employees;
      - 2) is under the direct control of the District with respect to the use and maintenance of education records; and
      - 3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

- c) The Board shall comply with the below Section I of this Article VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Section I.

2. 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 Article X.
- b) When a student enrolls in a new public school district (including a 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 ("DCF") 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 education records for the student, including, but not limited to, the student's individualized education 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.

- 3. 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. These entities may make further disclosures of personally identifiable information that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

4. 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.
5. 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 District that (a) the information is required by the court, and (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 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.
6. 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 Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).
7. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

8. 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.
9. 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;
  - 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 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).
10. If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action as plaintiff.
11. If a parent or eligible student initiates legal action against the District, the District may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the District to defend itself.
12. 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 Article VI.D, above.

13. The disclosure is to the parent of a student who is under 18 years of age or to the student.
14. 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.
15. 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:
  - a) 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
  - b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.
16. The disclosure is to an agency caseworker or other representative of the 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 records, 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 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 District and is consistent with the District's obligations under both state and federal law.
3. The District may disclose directory information about students after they are no longer in enrollment in 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 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 District from requiring students to wear or display a student identification card.
5. The 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 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 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 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 DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the 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. Except as set forth in Subsection I.5, below, 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.
    1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
    2. The District shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September 1<sup>st</sup> of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:
      - a. State 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. State 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 two business days 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 the Superintendent of Schools.

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 that 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.
5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:
- a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;
  - b. The Board can provide evidence that it has made a reasonable effort to:

- 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and
  - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;
- c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and
- d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:
- 1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and
  - 2) authorizes the use of such Internet web site, online service or mobile application.
- e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in Subsection 5.b, above.

## **VIII. REDISCLOSURE OF EDUCATION RECORDS**

- A. The 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 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. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C, and such state or local educational authority or federal official or agency has complied with the requirements of 34 C.F.R. § 99.32(b)(2).
  3. 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)).
  4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
  5. The information is considered directory information.
- C. In the event that the Student Privacy Policy 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 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, the parent or eligible student is entitled to:
1. Request in writing that the District amend the records;
  2. Receive within a reasonable period of time a decision from the District with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the District decides to amend the records, the 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 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 the parent or eligible student 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 of Schools, 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 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 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 the parent or eligible student disagrees with the District's decision, or both.
  - a. Any statement placed in the records of the student shall be maintained by the District as part of the records of the student as long as the record or contested portion is maintained by the District.
  - b. If the contested portion of the education record is disclosed by the District, 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 District 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 District 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 the 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 District as a condition of admission to or receipt of any other service or benefit from the 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 Article 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, physician assistant, dentist, nurse, provider of services for persons with psychiatric disabilities or persons with intellectual disability 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 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 and complies with the requirements of this subdivision.

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, the protected individual's 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 the protected individual's 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 [reference policy number].

### **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 school district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

#### Legal References:

##### State Law:

Conn. Gen. Stat. § 1-210 *et seq.*  
Conn. Gen. Stat. § 10-220h  
Conn. Gen. Stat. § 10-15b  
Conn. Gen. Stat. § 10-233d  
Conn. Gen. Stat. § 10-234aa  
Conn. Gen. Stat. § 10-234bb  
Conn. Gen. Stat. § 10-234cc  
Conn. Gen. Stat. § 10-234dd  
Conn. Gen. Stat. § 10-234ff  
Conn. Gen. Stat. § 10-234gg  
Conn. Gen. Stat. § 10-220d  
Conn. Gen. Stat. § 10-253  
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

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

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

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g

USA Patriot Act of 2001, Pub. L. No. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. No. 114-95.

34 C.F.R. §§ 99.1 - 99.67

34 C.F.R. § 106.45

34 C.F.R. §§ 300.560 - 300.576

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

Approved: June 20, 2023  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING  
CLASSIFICATION OF EDUCATION RECORDS**

The New Milford Public Schools (the “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 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:

<u>RECORD</u>	<u>LOCATION</u>
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 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):

<u>RECORD</u>	<u>LOCATION</u>
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
b. 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, and the Individualized Learning Plan implemented for an expelled student, 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
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 File

<u>RECORD</u>	<u>LOCATION</u>
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
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; 3 <sup>rd</sup> 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 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):

<u>RECORD</u>	<u>LOCATIONS</u>
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):

<u>RECORD</u>	<u>MINIMUM RETENTION REQUIRED</u>	<u>LOCATION</u>
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

p. Title IX records and documentation	7 years from date of creation	Cumulative/Other File as Designated by the Administration
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**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 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.

- e) With respect to Title IX records and documentation, the District's Title IX Coordinator 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 District.
- 5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

Regulation approved:

Regulation revised:

**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 a written request that identifies the record(s) they wish to inspect. The principal 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, 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); the District's Title IX Coordinator; 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 their professional responsibilities. The District's Title IX Coordinator has a legitimate educational interest when performing the functions of their professional duties.

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 office that administers FERPA is:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

**[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 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 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 District may disclose directory information about students after they are no longer in enrollment in the 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 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 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 District and is consistent with the District's obligations under both state and federal law.

**Model Notification of Data Sharing Agreements Under Conn. Gen. Stat § 10-234bb(g)**

**[NOTE: This notice must be sent on or before September 1 of each school year]**

Pursuant to the requirements of Conn. Gen. Stat. § 10-234bb(g), the New Milford Board of Education (the “Board”) maintains and updates an Internet website with information relating to all contracts into which it has entered for which a contractor may gain access to student records, student information, or student-generated content (collectively, “student data”). The address of the Internet website is [www.newmilfordps.org](http://www.newmilfordps.org). The Internet website includes copies of these contracts, and notices regarding each contract that include (1) the date the contract was executed, (2) a brief description of the contract and the purpose of the contract and (3) what student data may be collected as a result of the contract.

**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

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

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[Name]

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[Relationship to Student]

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[Date]

**TRANSFER OF CONFIDENTIAL STUDENT INFORMATION**

Date: \_\_\_\_\_

Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), I hereby authorize the New Milford 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)

	<u>Obtain</u>	<u>Release</u>
All Records	<input type="checkbox"/>	<input type="checkbox"/>
Cumulative File	<input type="checkbox"/>	<input type="checkbox"/>
Pupil Personnel/Special Education	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>	<input type="checkbox"/>
Health/Medical*	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 district,  
\_\_\_\_\_,  
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 district 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

**Note: This policy was revised to reflect changes made by Public Act 24-118 to replace various references to “child pornography” in the Connecticut General Statutes with the term “child sexual abuse material.” Also, policy language was clarified that prohibits students from sending harassing, threatening, or intimidating messages by using the district’s computer systems. Several technical edits were made throughout the policy.**

**Series 5000  
Students**

**5131.9**

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING  
STUDENT USE OF THE DISTRICT'S COMPUTER SYSTEMS  
AND INTERNET SAFETY**

Computers, computer networks, electronic devices, Internet access, and electronic messaging systems are effective and important technological resources. The New Milford Board of Education (the “Board”) has installed computers and a computer network(s), including Internet access and electronic messaging systems on Board premises, and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, tablets, laptops, personal gaming systems, Bluetooth speakers, e-readers, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board’s computers, computer network, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the New Milford Public Schools (the “District”).

These computer systems are business and educational tools. As such, they are made available to students in the District for education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used by students solely for education-related purposes. The District will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and other online communication sites and cyberbullying awareness and response. Additionally, the District will implement a technology protection measure designed to block or filter Internet access to visual depictions that contain material that is obscene or obscene as to minors or contains child sexual abuse material, and designed to ensure that such filtering technology is operative during computer use by minor students to the extent practicable when such students are using Board-owned computers or devices and Board-provided Internet access.

As the owner of the computer systems, the Board reserves the right to monitor the use of the District’s computers and computer systems.

Legal References:

Conn. Gen. Stat. § 10-221

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-193; 53a-250 *et seq.*

Public Act 24-118, “An Act Concerning Child Sexual Abuse.”

Electronic Communication Privacy Act of 1986, 18 U.S.C. §§ 2510 through 2523

Children’s Internet Protection Act, 47 U.S.C. § 254(h)

No Child Left Behind Act of 2001, 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, 47 U.S.C. § 254(h)(5)(B)(iii)

Approved: March 21, 2023  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING STUDENT USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY**

1. Introduction

a. *Access to District Computer Systems When Students Are Physically Present on School Property*

When students are physically present on New Milford Public Schools ("District") property, the New Milford Board of Education (the "Board") is pleased to offer students access to the District's computers and computer networks, including access to electronic messaging systems (including email) and the Internet, as well as electronic devices (all of which will be referred to collectively as "computer systems"). Access to the school's computer systems will enable students to explore online resources, including but not limited to libraries, blogs, wikis, databases, websites, and bulletin boards, while exchanging information with others. Such access is provided solely for education-related purposes. Use of the District's computer systems will be allowed only for students who act in a considerate and responsible manner in using such systems.

The Board and the Administration believe in the educational value of such computer systems and recognize their potential to support the curriculum by expanding resources available for staff and student use. The Board's goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation and communication.

These computer systems are expensive to purchase, install and maintain. As the property of the District, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, students are required to adhere to a set of policies and procedures, as set forth in detail below, in conjunction with their use of the computer systems. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

b. *Access to District Computer Systems When Students Are Engaged in Digital or Remote Learning*

The Board and the Administration recognize that technology is integral to the delivery of instruction if and when the District implements any form of digital or remote learning. The District may therefore provide students with remote access to some or all of the District's computer systems so that students may access the District's virtual learning environment. Such access, if granted, is provided solely for education-related purposes. Use of the District's computer systems will be allowed only for students who comply with District policies and procedures concerning computer system use, and demonstrate the ability to use the computer systems in a considerate and responsible manner.

These computer systems are expensive to purchase, install and maintain. As the property of the District, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, students will be required to adhere to a set of policies and procedures, as set forth in detail below, in conjunction with their use of the computer systems. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

## 2. Definitions

**"Obscene"** means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited sexual act and c) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value.

**"Obscene as to minors"** means any material or performance if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors.

For purposes of this section, **"harmful to minors"** means that quality of any description or representation, in whatever form, of a prohibited sexual act, when a) it predominantly appeals to the prurient, shameful or morbid interest of minors, b) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and c) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.

For the purposes of this section, **"prohibited sexual act"** means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.

**"Child sexual abuse material"** includes child pornography and means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (b) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

## 3. Monitoring

Students are responsible for good behavior on school computer systems just as they are in a classroom or a school hallway. Communications on the computer systems are often public in nature and general school rules for behavior and communications apply. It is expected that students will comply with District standards and will act in a

responsible and legal manner, at all times in accordance with District standards, as well as with state and federal laws.

It is important that students and parents understand that the District, *as the owner of the computer systems, reserves the right to monitor and review* the use of these computer systems. The District intends to monitor and review in a limited fashion, but will do so as needed to ensure that the systems are being used for District-related educational purposes.

As part of the monitoring and reviewing process, the District will retain the capacity to bypass any individual password of a student or other user. *The system's security aspects, such as personal passwords and the message delete function for email, can be bypassed for these purposes.* The District's ability to monitor and review is not restricted or neutralized by these devices. The monitoring and reviewing process also includes, but is not limited to: oversight of Internet site access, the right to review electronic messages sent and received, the right to track students' access to blogs, electronic bulletin boards and online communication platforms, and the right to review a student's data downloading and printing.

Therefore, all users must be aware that *they should not have any expectation of personal privacy in the use of these computer systems.*

#### 4. Student Conduct

Students are permitted to use the District's computer systems for legitimate educational purposes. Personal use must be specifically authorized by a District staff member. Unauthorized personal use of District computer systems is expressly prohibited. Conduct which constitutes inappropriate use includes, but is not limited to the following:

- ◆ Sending any form of a harassing, threatening, or intimidating message, at any time, to the extent such communication may violate other applicable Board policy, regulation, or school rule (such communications may also be a crime);
- ◆ Gaining or seeking to gain unauthorized access to computer systems;
- ◆ Damaging computers, computer files, computer systems or computer networks;
- ◆ Downloading or modifying computer software of the District in violation of the District's licensure agreement(s) and/or without authorization from a responsible school staff member;
- ◆ Using another person's password under any circumstances;
- ◆ Trespassing in or tampering with any other person's folders, work or files;

- ◆ Sending any message that breaches the District's confidentiality requirements, or the confidentiality of other students;
- ◆ Sending any copyrighted material over the systems;
- ◆ Using computer systems for any personal purpose, or in a manner that interferes with the District's educational programs;
- ◆ Accessing or attempting to access any material that is obscene, obscene as to minors, or contains child sexual abuse material, as defined above;
- ◆ Transmitting or receiving electronic communications or accessing information on the Internet for non-educational purposes;
- ◆ Cyberbullying;
- ◆ Accessing or attempting to access social networking sites (e.g., Facebook, Twitter/X, Instagram, Snapchat, TikTok, YouTube etc.) without a staff member's authorization and/or a legitimate educational purpose;
- ◆ The unauthorized use of generative artificial intelligence on any of the Board's computer systems. For purposes of this policy, "generative artificial intelligence" refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

In addition, as noted above, if a particular behavior or activity is generally prohibited by law, by Board policy or by school rules or regulations, use of these computer systems for the purpose of carrying out such behavior or activity is also prohibited.

*Misuse of the computer systems, or violations of these policies and regulations, may result in loss of access to such computer systems as well as other disciplinary action, including suspension and/or expulsion, depending on the specific conduct.*

Anyone who is aware of problems with, or misuse of, these computer systems, or has a question regarding the proper use of these computer systems, should report or discuss the issue with a teacher or the school principal immediately. Most importantly, the Board and the Administration urge *any* student who receives *any* harassing, threatening, intimidating or other improper message through the computer system to report this immediately. It is the Board's policy that no student should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

5. Internet Safety

The Administration will take measures to assure the digital safety and security of students when using electronic messaging systems, email, chat rooms, distance learning platforms, and other forms of direct electronic communications; to prohibit unauthorized access, including “hacking” and other unlawful activities by minors online; to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; to educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response; and to restrict students’ access to online materials that are obscene or obscene as to minors or contain child sexual abuse material, to the extent practicable when students are using Board-owned computers or devices and Board-provided Internet access.

6. Student Use Agreement

Before being allowed to use the District’s computer systems, students and/or their parents/guardians must sign a computer system use agreement, stating that they have read and understood the District’s policies and regulations regarding the use of its computer systems.

Legal References:

Conn. Gen. Stat. § 10-221

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-193; 53a-250 *et. seq.* (computer-related offenses)

Conn. Gen. Stat. § 53a-193 (definition of obscene and obscene as to minors)

Public Act 24-118, “An Act Concerning Child Sexual Abuse.”

18 U.S.C. § 2256 (definition of child pornography)

Electronic Communications Privacy Act of 1986, 18 U.S.C. §§ 2510 through 2523

Children’s Internet Protection Act, 47 U.S.C. § 254(h)

No Child Left Behind Act of 2001, 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, 47 U.S.C. § 254(h)(5)(B)(iii)

Miller v. California, 413 U.S. 15 (1973) (definition of obscene)

Regulation approved: March 21, 2023

Regulation revised:

**Note: Parents or guardians seeking admission to the public schools for children who will not turn five by September 1 must submit the written request to the principal of the school in which the child would be enrolled based on District residency requirements and attendance area requirements. Also, reference to the Connecticut Early Learning and Development Standards is optional language, as schools have discretion in determining what assessment tool they will use.**

**Series 5000  
Students**

**5112**

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING  
ADMISSION TO THE PUBLIC SCHOOLS AT OR BEFORE AGE FIVE**

The New Milford Board of Education (the “Board”) complies with its legal obligation to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the Board’s jurisdiction to attend school in accordance with Connecticut General Statutes § 10-184.

The New Milford Public Schools (the “District”) shall be open to resident children five years of age and over who reach age five on or before the first day of September of any school year. For children who will not reach the age of five on or before the first day of September of the school year, the child’s parent or guardian may submit a written request to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements seeking early admission to the District. Upon receipt of such written request, the principal and an appropriate certified staff member shall assess such child to determine whether admitting the child is developmentally appropriate. For decisions relating to early admission to the District, the decision of the principal and appropriate certified staff shall be final.

The Superintendent or designee shall be responsible for developing administrative regulations in furtherance of this policy. Such regulations shall identify procedures for the receipt and processing of requests for early admission to the District and for assessing whether early admission of a child is developmentally appropriate.

Legal Reference:

Connecticut General Statutes

- |        |   |
|--------|---|
| 10-15c | Discrimination by public schools prohibited. School attendance for five-year-olds |
| 10-220 | Duties of boards of education   |
| 10-221 | Board of education to prescribe rules, policies, and procedures                   |
| 10-184 | Duties of parents. School attendance age requirements                             |

Public Act 23-208, “An Act Making Certain Revisions to the Education Statutes.”

Approved:  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING  
EARLY ADMISSION TO KINDERGARTEN**

In accordance with state law, the New Milford Public Schools (the “District”) are open to all children five years of age and over who reach age five on or before September 1 of any school year. A child who has not reached the age of five on or before September 1 of the school year may be admitted to kindergarten only (1) upon a written request by the parent or guardian of the child to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements, and (2) following an assessment of the child, conducted by the principal of the school and an appropriate certified staff member of the school, to ensure that admitting the child is developmentally appropriate (“Early Admission Process”). The Early Admission Process shall be available only for a child who will reach the age of five on or after September 2 and before January 1 of the school year.

**I. Assessment**

- A. The District will assess a child who does not meet the statutory age requirement if admission of such child is requested in writing by a child’s parent or guardian. Such request must be sent by electronic mail to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements (the “Building Principal”) and must be received by the Building Principal no later than the third Friday in February.
- B. The Building Principal and an appropriate certified staff member of the school (together, the “Assessment Team”) will conduct an assessment of the child to gather information pertaining to the question of whether admitting the child is developmentally appropriate.
- C. The Assessment Team will take a holistic approach to assess a child’s developmental level in a variety of developmental domains (e.g. cognitive, social-emotional, physical development and health, etc.). The Assessment Team may use the Connecticut Early Learning and Development Standards (ELDS) as a guide to assessing a child’s developmental level.
- D. The Assessment Team will obtain information from the parent or guardian as part of the assessment.
- E. The Assessment Team will gather and consider relevant information from the child’s preschool teacher/early care provider, if available, as part of the assessment.
- F. The Assessment Team will conduct the assessment in a manner that is designed to be culturally and linguistically appropriate.
- G. The Assessment Team will assess children whose parents request early admission at specifically defined times. If the request for early admission is received before **the**

**third Friday in February**, the Early Admission Process will occur in **March or April**. If the request for early admission is received **on or after the third Friday in February**, the Early Admission Process will occur **before June 1**. All requests for early admission of students **who move into the District after June 1 must be submitted no later than three weeks prior to the opening of school**.

- H. The Early Admission Process will be administered universally across all schools in the District that operate kindergarten classrooms.

## **II. Children with Disabilities**

- A. All parents and guardians, including those of children with disabilities, may request early entry to kindergarten pursuant to the Early Admission Process in Section I.
- B. For a child with an Individualized Education Programs (IEPs), the Early Admission Process will be individualized and in alignment with the documented IEP accommodations/modifications in Section 5 (Supplementary Aids and Services) and Section 11 (District and State Testing).
- C. For a child with a Section 504 plan, the Early Admission Process will be individualized and in alignment with the accommodations documented in the child’s 504 plan.

## **III. Notification**

The District will strive to notify parents and guardians who have requested their child be granted early admission to kindergarten as soon as possible.

### Legal Reference:

Conn. Gen. Stat. § 10-15c	Discrimination by public schools prohibited. School attendance for five-year-olds
Conn. Gen. Stat. § 10-220	Duties of boards of education
Conn. Gen. Stat. § 10-221	Board of education to prescribe rules, policies, and procedures
Conn. Gen. Stat. § 10-184	Duties of parents. School attendance age requirements

Public Act 23-208, “An Act Making Certain Revisions to the Education Statutes.”

Connecticut State Department of Education, *New Entry Age for Kindergarten: Considerations for Connecticut Schools*, October 23, 2023.

Regulation approved:

**Note: This policy was revised to update the appeal procedures to ensure consistency across all policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule requires that a board of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, this policy was updated to ensure the appeal procedures are comparable across all policies. Further, the policy clarifies that the type of conduct prohibited by this policy includes epithets related to sex, sexual orientation, and/or gender identity or expression.**

**If a staff member referenced in this policy is no longer employed in the District, or if the responsibilities of a staff member mentioned in this policy change and a new staff member is assigned the responsibility, the policy will be updated with the new staff member assigned the responsibility. This is not considered a revision to the policy as the substance of the policy is unchanged.**

**Series 5000  
Students**

**5000**

## **POLICY AND ADMINISTRATIVE REGULATIONS REGARDING NON-DISCRIMINATION (STUDENTS)**

### ***Protected Class Discrimination Prohibited:***

The New Milford Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

### ***Retaliation Prohibited:***

The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

***Discrimination on the Basis of Protected Class Association Prohibited:***

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

***Scope and Applicability:***

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

***Definitions:***

The following definitions apply for purposes of this policy:

A. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student's actual or perceived membership in a Protected Class.

B. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or

- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5145.7, Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**  
**e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

C. Veteran:

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in the United States Army, Navy, Marine Corps, Coast Guard, Air Force and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

Gender identity or expression refers to 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.

E. Sexual orientation:

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any

identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

F. Race:

The term race is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member’s movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person’s sexuality or threats to release sexual images.

Biased Conduct:

The Board recognizes that certain student conduct or communications may be considered indicative of bias towards individuals who are members of a Protected Class, even when such conduct or communications do not rise to the level of discrimination and/or harassment. The Board directs the District administration to address any such biased conduct or communications in a manner consistent with the Board’s legal obligations under state and federal law and Board policy, including free speech considerations, in order to promote a school environment that is welcoming and safe for all individuals.

***Reporting to District Officials:***

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will

investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Holly Hollander, Assistant Superintendent in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students, which accompany this policy and are available online at [New Milford Board of Education Policies](#) or upon request from the main office of any District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

**Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any Board employee.**

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5145.7, Policy Regarding Sex Discrimination, Including Sex-Based Harassment. Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.45, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

***Mandatory Staff Reporting for Student Incidents:***

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to:**

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

***Remedial Action:***

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

***Reporting to State and Federal Agencies:***

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617-289-0111)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

***Questions/Requests for Accommodation:***

Any parent, student, staff member, Board member or community member who:

1. has questions or concerns about this policy or its accompanying regulations;
  2. wishes to request or discuss accommodations for a student based on religion;
- may contact:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**  
**e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Any parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, pregnancy or sexual orientation may contact the District's Title IX Coordinator:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**  
**e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Any parent, student, staff member, Board member or community member who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the District's Section 504/ADA Coordinator:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**

e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.  
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905  
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.  
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”  
defined  
Connecticut General Statutes § 10-15c  
Connecticut General Statutes § 27-103  
Connecticut General Statutes § 46a-51, Definitions  
Connecticut General Statutes § 46a-58, Deprivation of rights  
Connecticut General Statutes § 46b-1, Family relations matters and  
domestic violence defined  
Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination  
Statutes”

Approved: December 19, 2023  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION  
COMPLAINTS (STUDENTS)**

***Protected Class Discrimination Prohibited:***

The New Milford Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

***Retaliation Prohibited:***

The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result in disciplinary action against the retaliator, and other corrective actions as appropriate.

***Discrimination on the Basis of Protected Class Association Prohibited:***

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

***Scope and Applicability:***

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities)

are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

The following non-exhaustive list provides examples of the type of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

***Reporting to District Officials:***

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to

Gwen Gallagher, Principal  
Northville Elementary School  
22 Hipp Road  
New Milford, CT 06776  
Telephone: 860-355-3713  
e-mail: [gallagherg@newmilfordps.org](mailto:gallagherg@newmilfordps.org)

Cathy Calabrese, Principal  
Hill and Plain Elementary School  
60 Old Town Park Road  
New Milford, CT 06776  
Telephone: 860-354-5430  
e-mail: [calabresec@newmilfordps.org](mailto:calabresec@newmilfordps.org)

Jennifer Chmielewski, Assistant Principal  
Sarah Noble Intermediate School  
25 Sunny Valley Road  
New Milford, CT 06776  
Telephone: 860-210-4020  
e-mail: [chmielewskij@newmilfordps.org](mailto:chmielewskij@newmilfordps.org)

Michael Boucher, Assistant Principal  
Schaghticoke Middle School  
23 Hipp Road  
New Milford, CT 06776  
Telephone: 860-354-2204  
e-mail: [boucherm@newmilfordps.org](mailto:boucherm@newmilfordps.org)

Keith Lipinsky, Athletic Director  
New Milford High School  
388 Danbury Road  
New Milford, CT 06776  
Telephone: 860-350-6647, ext. 1411  
e-mail: [lipinskyk@newmilfordps.org](mailto:lipinskyk@newmilfordps.org)

Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)

in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students.

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy #5145.7, Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment. Complaints involving allegations of discrimination or harassment of student based on disability will be addressed in accordance with the procedures set forth in Board Policy #5145.45, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Students are encouraged to immediately report any concerns about Protected Class discrimination, harassment, or retaliation.

***Mandatory Staff Reporting for Student Incidents:***

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to:**

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

### ***Complaint Procedure***

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

As soon as a student feels that they, or another student has been subjected to Protected Class discrimination, harassment or retaliation, the individual should make a written complaint to Principal Gallagher, Northville Elementary School, or Cathy Calabrese, Principal, Hill and Plain School, or Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School or Michael Boucher, Assistant Principal, Schaghticoke Middle School, or Keith Lipinsky, Athletic Director, New Milford High School, or Holly Hollander, Assistant Superintendent, Central Office.

**Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any Board employee. Board employees receiving such reports shall promptly forward them to any District administrator or to Assistant Superintendent Holly Hollander.**

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the **above named individuals** receive a complaint alleging discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, the Principal Gallagher, Northville Elementary School, or Cathy Calabrese, Principal, Hill and Plain School, or Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School or Michael Boucher, Assistant Principal, Schaghticoke Middle School, or Keith Lipinsky, Athletic Director, New Milford High School, or Holly Hollander, Assistant Superintendent, Central Office shall follow the procedures identified in Board Policy # 5145.7, Policy Regarding Prohibition of Sex Discrimination, Including Sex-Based Harassment. In the event the **above named individuals** receive a complaint alleging discrimination or harassment of a student based on disability, the Principal Gallagher, Northville Elementary School, or Cathy Calabrese,

Principal, Hill and Plain School, or Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School or Michael Boucher, Assistant Principal, Schaghticoke Middle School, or Keith Lipinsky, Athletic Director, New Milford High School, or Holly Hollander, Assistant Superintendent, Central Office shall follow the procedures identified in Board Policy # 5145.45, Section 504/ADA (Students).

The complaint should state the:

- A. Name of the complainant/victim,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any student and/or parent/guardian or other individual who makes an oral complaint of discrimination or harassment of a student to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the Board employee receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form or ask a District administrator for assistance in doing so.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a student under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the individual alleged to have experienced Protected Class discrimination and/or harassment (the “complainant”), the reporter (if different from the complainant) the alleged discriminator/harasser (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with principles of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of a student, the investigator should:

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (e.g., "Consequences were imposed.");
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary;
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

***Remedial Action:***

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

***Staff Development:***

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination, harassment and retaliation.

***Reporting to State and Federal Agencies:***

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617-289-0111)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

***Questions/Requests for Accommodation:***

Any parent, student, staff member, Board member or community member who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations for a student based on religion;

may contact:

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Any parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, or sexual orientation may contact the District's Title IX Coordinator:

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Any parent, student, staff member, Board member or community member who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the District's Section 504/ADA Coordinator:

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Regulation approved: December 19, 2023

Regulation revised:

**NEW MILFORD PUBLIC SCHOOLS**

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

**(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, veteran status, or status as a victim of domestic violence)**

Name of the reporter \_\_\_\_\_

Name of the complainant/victim \_\_\_\_\_

School/program and grade of the complainant/victim \_\_\_\_\_

Reporter's relationship to the complainant/victim \_\_\_\_\_

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 \_\_\_\_\_

**Note: This policy and the accompanying regulations were revised in light of Section 4 of Public Act 23-160, which addresses the right of a student, who is also a parent, to request permission from the board of education to attend adult education classes. Also, language was added to reflect the requirement, established by Section 16 of Public Act 22-47, that when a student is truant, the school district implement the truancy intervention model developed by the CSDE that accounts for mental and behavioral health, if the CSDE has developed such model; otherwise, the district will implement a truancy intervention plan that meets state law requirements. Also, there is added flexibility to the ways in which parents/guardians can report student absences and personnel can notify parents/guardians of student absences.**

**Series 5000  
Students**

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**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING  
STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

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 New Milford Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Public Act No. 23-160, “An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes.”

Connecticut General Statutes § 10-73d

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Approved: June 20, 2023  
Revised

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING  
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

**I. Attendance and Truancy**

A. Definitions for Section I

1. “Absence” - any day during which a student is not considered “in attendance” as defined in these regulations.
2. “Disciplinary absence” - any absence as a result of school or District disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent except for each day that the student receives alternative education programming for at least half of the instructional school day. A disciplinary absence is not considered excused or unexcused for attendance and truancy purposes.
3. “Educational evaluation” - for purposes of this policy, an educational evaluation is an assessment of a student’s educational development, which, based upon the student’s presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and/or motor abilities.
4. “Excused absence” - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student’s return to school, or if the student has been excluded from school in accordance with Conn. Gen. Stat. § 10-210 (regarding communicable diseases), and the following criteria are met:
  - a. Any absence before the student’s tenth (10<sup>th</sup>) absence is considered excused when the student’s parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - b. For the student’s tenth (10<sup>th</sup>) absence and all absences thereafter, a student’s absences from school are, with appropriate documentation in accordance with this regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
    - ii. religious holidays;
    - iii. mandated court appearances (documentation required);
    - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
    - v. extraordinary educational opportunities pre-approved by the District administrators and in accordance with Connecticut State Department of Education ("State Department of Education") guidance and this regulation; or
    - vi. lack of transportation that is normally provided by a school district other than the one the student attends.
  - c. A student, age five (5) to eighteen (18), inclusive, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to the student's return to school.
5. "In attendance" - any day during which a student is present at the student's assigned school, and/or participating in an activity sponsored by the school (*e.g.*, field trip) for at least half of the regular school day; and/or participating in statutorily authorized remote learning as determined through a combination of: synchronous virtual classes, synchronous virtual meetings, activities on time-logged electronic systems, and/or the completion and submission of assignments for at least half of the instructional school day.

6. "Mental health wellness day" - a school day during which a student attends to such student's emotional and psychological well-being in lieu of attending school.
7. "Remote learning" - instruction by means of one or more Internet-based software platforms as part of a remote learning model as may be authorized by the New Milford Board of Education (the "Board") in accordance with applicable law.
8. "Student" - a student enrolled in the New Milford Public Schools (the "District").
9. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.
10. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or designee, whose decision shall be final.

B. Mental Health Wellness Days

Any student enrolled in grades kindergarten to twelve, inclusive, shall be permitted to take two mental health wellness days during the school year, during which day such student shall not be required to attend school. No student shall take mental health wellness days during consecutive school days. Mental health wellness days shall be excused when permission by the student's parent/guardian is documented by the student's school, regardless of the number of absences a student has accrued in the school year. Mental health wellness days will not be included in reporting or referrals related to truancy. Mental health wellness day will count as an "absence" for determining chronic absenteeism, as defined in Section II of this policy.

C. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.

2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10<sup>th</sup>) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
  - a. student illness:
    - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
    - ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
  - b. religious holidays: none.
  - c. mandated court appearances:
    - i. a police summons;
    - ii. a subpoena;
    - iii. a notice to appear;
    - iv. a signed note from a court official; or
    - v. any other official, written documentation of the legal requirement to appear in court.
  - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
  - e. extraordinary educational opportunity pre-approved by the District administrators and in accordance with State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.

- f. lack of transportation that is normally provided by a school district other than the one the student attends: none.
4. Neither e-mail nor text message shall satisfy the requirement of written documentation. Under certain circumstances, a building administrator may accept the delivery of written documentation through a scanned copy sent by e-mail or submission of a report through an online system established for parents/guardians to comply with attendance reporting requirements.
5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at the building principal's own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

D. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
  - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
  - b. be an opportunity not ordinarily available to the student;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:
  - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to

the opportunity except in exceptional circumstances at the discretion of the building principal;

- b. contain the signatures of both the parent/guardian and the student;
  - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
  - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:
- a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity; and
  - e. the understanding that the building administrator may withdraw approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

E. Truancy Exceptions:

- 1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has

appeared personally at the District office and exercised the option of not sending the child to school at five (5) or six (6) years of age.

2. A student who is both (1) under seventeen (17) years of age and (2) a parent may request permission from the Board to attend adult education classes. The Board may, by a majority vote of the members of the Board present and voting at a regular or special meeting of the Board called for such purpose, assign such student to adult education classes.
3. A student who is seventeen (17) years of age shall not be considered truant if the parent or person having control over such child withdraws such child from school and enrolls such child in an adult education program pursuant to Conn. Gen. Stat. § 10-69. Such parent or person shall personally appear at the District office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that the District has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.
4. A student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor, school counselor, or school administrator of the school that the District has provided such student with information on the educational options available in the school system and community.
5. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be truant.

F. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section E.3 or E.4 above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section E.3 or E.4 above) seeks readmission within ten (10) school days of the student's withdrawal, the Board

shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

G. Determinations of Whether a Student is “In Attendance”:

1. A student serving an out-of-school suspension or expulsion shall be reported as absent unless the student receives an alternative educational program for at least half of the instructional school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered “in attendance.”
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being “in attendance” for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

H. Procedures for students in grades K-8

1. Notification
  - a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.
  - b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.
2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school

day, school personnel under the direction of the building principal or designee]shall make a reasonable effort to notify the parent or other person having control of such student by telephone, e-mail or mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **Reasonable efforts shall include two (2) attempts to reach the parent or other person at the contact information provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.** Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

I. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The District shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non-responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.
- b. When a student is truant, the Superintendent or designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The District shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. When a student is truant, the Superintendent or designee shall provide notice to the student's parent or guardian of the information concerning the existence and availability of the 2-1-1 Infoline program and other pediatric mental and behavioral health screening services and tools described in Conn. Gen. Stat. § 17a-22r.
- d. When a student is truant, an appropriate school mental health specialist, as determined by the District, shall conduct an evaluation of the student to determine if additional behavioral health interventions are necessary for the well-being of the

child. “School mental health specialist” means any person employed by the District to provide mental health services to students, including but not limited to a school social worker, school psychologist, trauma specialist, behavior technician, board certified behavior analyst, school counselor, licensed professional counselor, or licensed marriage and family therapist.

- e. When a student is truant, the District shall implement the truancy intervention model developed by the State Department of Education that accounts for mental and behavioral health, if the State Department of Education has developed such model. Otherwise, the District shall implement a truancy intervention plan that meets the requirements set forth in Conn. Gen. Stat. § 10-198e(b).
- f. If the Commissioner of Education determines that any school under the jurisdiction of the Board has a disproportionately high rate of truancy, the District shall implement in that school a truancy intervention model identified by the State Department of Education pursuant to Conn. Gen. Stat. § 10-198e.
- g. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **or other appropriate school based team** (the “Team”) to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team (“PPT”) meeting to review the student’s need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.
- h. Where the documented implementation of the procedures specified in subsections (a) through (e) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

#### J. Attendance Records

All attendance records developed by the District shall include the individual student’s state-assigned student identifier (SASID).

## II. **Chronic Absenteeism**

A. Definitions for Section II

1. “Chronically absent child” - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year.
2. “Absence” - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Department of Education pursuant to Conn. Gen. Stat. § 10-198b and these administrative regulations.
3. “District chronic absenteeism rate” - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of students under the jurisdiction of the Board for such school year.
4. “School chronic absenteeism rate” - the total number of chronically absent students for a school in the previous school year divided by the total number of students enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the District has a District chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the District.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the District has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

If the District has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to

truants, as defined under I.A.9, and chronically absent students and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent students, discussing school interventions and community referrals for such truants and chronically absent students and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The District and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

**III. Reports to the State Regarding Truancy Data**

Annually, the Board shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the District as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the State Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the Board to reduce truancy in the District.

Legal References:

Public Act No. 23-160, “An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes.”

Connecticut General Statutes § 10-73d

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Regulation approved: June 20, 2023

Regulation revised:

## **SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE\***

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. A student who is eighteen years of age or older may withdraw from school. Such parent, person or student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, person or student with information on the educational options available in the school system and community. The parent or person having control of a child seventeen years of age may withdraw such child from school and enroll such child in an adult education program pursuant to [Connecticut General Statutes Section] 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the \_\_\_\_\_ Board of Education (the “Board”) monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Student's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

School/grade: \_\_\_\_\_ / \_\_\_\_\_  
Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_  
Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_  
Parent/Guardian E-mail Address: \_\_\_\_\_

Name of Other Person Having Control of Student: \_\_\_\_\_  
Relationship to Student: \_\_\_\_\_  
Daytime Telephone Number\*: \_\_\_\_\_

\*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**UNEXCUSED ABSENCES  
DOCUMENTATION LOG**

\_\_\_\_\_  
Date

\_\_\_\_\_  
School

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____ Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Notice mailed or e-mail _____		
				Attempt #1 _____ Attempt #2 _____ Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Notice mailed or e-mailed _____		

\* No answer = N  
Left Message = LM  
Notification made = NM

**NEW MILFORD PUBLIC SCHOOLS**

**Extraordinary Educational Experience Request Form**

Pursuant to guidelines from the Connecticut State Department of Education, the New Milford Public Schools will consider certain extraordinary educational experiences to be excused absences. In order for an experience to qualify as an extraordinary educational experience, the opportunity must be educational in nature and must have a learning objective specifically related to the student’s coursework or plan of study. It is important to note that not all memorable and/or life experiences are considered extraordinary educational experiences for the purpose of an excused absence. In order to qualify, the experience must be an opportunity not ordinarily available to the student. The experience must be grade and developmentally appropriate and the content of the experience must be highly relevant to the individual student. Whether an experience fits the requirements of an extraordinary educational experience for the purpose of an excused absence is a determination within the discretion of the building principal or designee.

To request consideration of an experience as an extraordinary educational experience, the following form must be filled out, signed by the parent and student, and returned at least ten (10) school days in advance of the date of the opportunity. Please note that approval is not assured. Approvals are considered on a case-by-case basis and are based on a number of factors. An experience approved for one student does not guarantee that it will be approved for others.

Name of Student: \_\_\_\_\_ Today’s Date: \_\_\_\_\_

Title of Educational Opportunity: \_\_\_\_\_

Please describe the learning objective of the educational opportunity and how the objective is linked to the student’s coursework or plan of study (you may attach additional sheets):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) of educational opportunity: \_\_\_\_\_

Dates and total number of days of planned absence: \_\_\_\_\_

Signature of Parent \_\_\_\_\_

Signature of Student \_\_\_\_\_

\*\*\*\*\*

For Office Use Only. Received by \_\_\_\_\_ on \_\_\_\_\_. Approved? Yes/No By \_\_\_\_\_.

**NEW MILFORD PUBLIC SCHOOLS**  
**SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)**

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s) (if different from child): \_\_\_\_\_

\_\_\_\_\_

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, \_\_\_\_\_, am the parent or person having control of, \_\_\_\_\_,  
Name of parent or person Name of child  
a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that if my child is currently age five (5) and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is “elsewhere receiving equivalent instruction in the studies taught in the public schools,” when the child turns seven (7).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Personnel Use Only

- Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system.

**NEW MILFORD PUBLIC SCHOOLS**

**SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)**

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s) (if different from child): \_\_\_\_\_

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school if they simultaneously enroll such child in an adult education program pursuant to Connecticut General Statutes Section 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

I, \_\_\_\_\_, am the parent or person having control of, \_\_\_\_\_,  
Name of parent or person Name of child

a child who is seventeen years of age. I hereby withdraw my child from school and attest that, upon my child's withdrawal, I will enroll my child in an adult education program pursuant to Connecticut General Statutes Section 10-69. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Personnel Use Only

- Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**NEW MILFORD PUBLIC SCHOOLS**

**SCHOOL ATTENDANCE OPTION FORM (STUDENTS AGE 18 AND OLDER)**

Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Student: \_\_\_\_\_

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a student who is **eighteen (18) years of age or older** may withdraw from school. Such student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such student with information on the educational options available in the school system and in the community.

**Withdrawal from School by Student Age 18 or Over**

I, \_\_\_\_\_, am a student of at least eighteen years of age,  
Name of student

and I hereby withdraw from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for me.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**School Personnel Use Only**

- Student appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**Note: Under Connecticut law, qualified school employees may administer epinephrine with a cartridge injector to a specific student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death either (1) with the written medication order of an authorized prescriber and the written authorization of the student’s parent or guardian or (2) in an emergency, without such prior written authorization, provided that a number of conditions are met. The law previously required qualified school employees who administer epinephrine for purposes of emergency first aid *without prior written authorization* to annually complete the training program developed by the Departments of Education and Public Health in consultation with the School Nurse Advisory Council described in Connecticut General Statutes Section 10-212g. Public Act 24-93 expands this requirement to explicitly include employees who administer epinephrine *with the written authorization* of a parent or guardian and authorized prescriber. This policy was edited to reflect this change.**

Series 5000  
Students

5142

## ADMINISTRATION OF STUDENT MEDICATIONS IN THE SCHOOLS

### A. Definitions

Administration of medication means any one of the following activities: handling, storing, preparing or pouring of medication; conveying it to the student according to the medication order; observing the student inhale, apply, swallow, or self-inject the medication, when applicable; documenting that the medication was administered; and counting remaining doses to verify proper administration and use of the medication.

Authorized prescriber means a physician, dentist, optometrist, advanced practice registered nurse or physician assistant, and, for interscholastic and intramural athletic events only, a podiatrist.

Before or after school program means any child care program operated and administered by the New Milford Board of Education (the “Board”) and exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes. Such programs do not include public or private entities licensed by the Office of Early Childhood or Board enhancement programs and extra-curricular activities.

Cartridge injector means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.

Coach means any person holding a coaching permit who is hired by the Board to coach for a sport season.

Controlled drugs means those drugs as defined in Conn. Gen. Stat. Section 21a-240.

Cumulative health record means the cumulative health record of a pupil mandated by Conn. Gen. Stat. Section 10-206.

Director means the person responsible for the day-to-day operations of any school readiness program or before or after school program.

Eligible student means a student who has reached the age of eighteen or is an emancipated minor.

Error means:

- (1) the failure to do any of the following as ordered:
  - (a) administer a medication to a student;
  - (b) administer medication within the time designated by the prescribing physician;
  - (c) administer the specific medication prescribed for a student;
  - (d) administer the correct dosage of medication;
  - (e) administer medication by the proper route;
  - (f) administer the medication according to generally accepted standards of practice; or
- (2) the administration of medication to a student which is not ordered, or which is not authorized in writing by the parent or guardian of such student, except for the administration of epinephrine or naloxone for the purpose of emergency first aid as set forth in Sections D and E below.

Guardian means one who has the authority and obligations of guardianship of the person of a minor, and includes: (1) the obligation of care and control; and (2) the authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

Intramural athletic events means tryouts, competition, practice, drills, and transportation to and from events that are within the bounds of a school district for the purpose of providing an opportunity for students to participate in physical activities and athletic contests that extend beyond the scope of the physical education program.

Interscholastic athletic events means events between or among schools for the purpose of providing an opportunity for students to participate in competitive contests that are highly organized and extend beyond the scope of intramural programs and includes tryouts, competition, practice, drills and transportation to and from such events.

Investigational drug means any medication with an approved investigational new drug (IND) application on file with the Food and Drug Administration (FDA), which is

being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.

Licensed athletic trainer means a licensed athletic trainer employed by the school district pursuant to Chapter 375a of the Connecticut General Statutes.

Medication means any medicinal preparation, both prescription and non-prescription, including controlled drugs, as defined in Conn. Gen. Stat. Section 21a-240. This definition includes Aspirin, Ibuprofen or Aspirin substitutes containing Acetaminophen.

Medication emergency means a life-threatening reaction of a student to a medication.

Medication plan means a documented plan established by the school nurse in conjunction with the parent and student regarding the administration of medication in school. Such plan may be a stand-alone plan, part of an individualized health care plan, an emergency care plan or a medication administration form.

Medication order means the authorization by an authorized prescriber for the administration of medication to a student which shall include the name of the student, the name and generic name of the medication, the dosage of the medication, the route of administration, the time of administration, the frequency of administration, the indications for medication, any potential side effects including overdose or missed dose of the medication, the start and termination dates not to exceed a 12-month period, and the written signature of the prescriber.

Nurse means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut in accordance with Chapter 378, Conn. Gen. Stat.

Occupational therapist means an occupational therapist employed full time by the Board and licensed in Connecticut pursuant to Chapter 376a of the Connecticut General Statutes.

Optometrist means an optometrist licensed to provide optometry pursuant to Chapter 380 of the Connecticut General Statutes.

Paraeducator means a health care aide or assistant or an instructional aide or assistant employed by the Board who meets the requirements of the Board for employment as a health care aide or assistant or instructional aide or assistant.

Physical therapist means a physical therapist employed full time by the Board and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General Statutes.

Physician means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut pursuant to Chapter 370 of the Connecticut General Statutes, or licensed to practice medicine in another state.

Podiatrist means an individual licensed to practice podiatry in Connecticut pursuant to Chapter 375 of the Connecticut General Statutes.

Principal means the administrator in the school.

Qualified school employee means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or paraeducator.

Research or study medications means FDA-approved medications being administered according to an approved study protocol. A copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

School means any educational facility or program which is under the jurisdiction of the Board excluding extracurricular activities.

School nurse means a nurse appointed in accordance with Conn. Gen. Stat. Section 10-212.

School nurse supervisor means the nurse designated by the Board as the supervisor or, if no designation has been made by the Board, the lead or coordinating nurse assigned by the Board.

School readiness program means a program that receives funds from the State Department of Education for a school readiness program pursuant to subsection (b) of Section 10-16p of the Connecticut General Statutes and exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes.

Self-administration of medication means the control of the medication by the student at all times and is self-managed by the student according to the individual medication plan.

Teacher means a person employed full time by the Board who has met the minimum standards as established by the Board for performance as a teacher and has been approved by the school medical advisor and school nurse to be designated to administer medications pursuant to the Regulations of Connecticut State Agencies Sections 10-212a-1 through 10-212a-7.

B. General Policies on Administration of Medications

- (1) Except as provided below in Sections D and E, no medication, including non-prescription drugs, may be administered by any school personnel without:
  - (a) the written medication order of an authorized prescriber;
  - (b) the written authorization of the student's parent or guardian or eligible student; and

- (c) the written permission of a parent for the exchange of information between the prescriber and the school nurse necessary to ensure safe administration of such medication.
- (2) Prescribed medications shall be administered to and taken by only the person for whom the prescription has been written.
- (3) Except as provided in Sections D and E, medications may be administered only by a licensed nurse or, in the absence of a licensed nurse, by:
  - (a) a full-time principal, a full-time teacher, or a full-time licensed physical or occupational therapist employed by the school district who has been trained in the administration of medication in accordance with Section J of this policy. A full-time principal, teacher, licensed physical or occupational therapist employed by the school district may administer oral, topical, intranasal or inhalant medications. Such individuals may administer injectable medications only to a student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death.
  - (b) students with chronic medical conditions who are able to possess, self-administer, or possess and self-administer medication, provided all of the following conditions are met:
    - (i) an authorized prescriber provides a written medication order, including the recommendation for possession, self-administration, or possession and self-administration;
    - (ii) there is a written authorization for possession, self-administration, or possession and self-administration from the student's parent or guardian or eligible student;
    - (iii) the school nurse has developed a plan for possession, self-administration, or possession and self-administration, and general supervision, and has documented the plan in the student's cumulative health record;
    - (iv) the school nurse has assessed the student's competency for self-administration and deemed it safe and appropriate, including that the student: is capable of identifying and selecting the appropriate medication by size, color, amount or other label identification; knows the frequency and time of day for which the medication is ordered; can identify the presenting symptoms that require medication; administers the medication appropriately; maintains safe control of the medication at all times; seeks adult supervision whenever warranted; and cooperates with the established medication plan;

- (v) the principal, appropriate teachers, coaches and other appropriate school personnel are informed the student is possessing, self-administering, or possessing and self-administering prescribed medication;
  - (vi) such medication is transported to school and maintained under the student's control in accordance with this policy; and
  - (vii) controlled drugs, as defined in this policy, may not be possessed or self-administered by students, except in extraordinary situations, such as international field trips, with approval of the school nurse supervisor and the school medical advisor in advance and development of an appropriate plan.
- (c) a student diagnosed with asthma who is able to self-administer medication shall be permitted to retain possession of an asthmatic inhaler at all times while attending school, in order to provide for prompt treatment to protect such student against serious harm or death, provided all of the following conditions are met:
- (i) an authorized prescriber provides a written order requiring the possession of an inhaler by the student at all times in order to provide for prompt treatment in order to protect the student against serious harm or death and authorizing the student's self-administration of medication, and such written order is provided to the school nurse;
  - (ii) there is a written authorization from the student's parent or guardian regarding the possession of an inhaler by the student at all times in order to protect the student against serious harm or death and authorizing the student's self-administration of medication, and such written authorization is provided to the school nurse;
  - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer an inhaler for asthma in the school setting shall not be used to prevent a student from retaining and self-administering an inhaler for asthma. Students may self-administer medication with only the written authorization of an authorized prescriber and written authorization from the student's parent or guardian or eligible student; and
  - (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.

- (d) a student diagnosed with an allergic condition who is able to self-administer medication shall be permitted to retain possession of a cartridge injector at all times while attending school, in order to provide for prompt treatment to protect such student against serious harm or death, provided all of the following conditions are met:
  - (i) an authorized prescriber provides a written order requiring the possession of a cartridge injector by the student at all times in order to provide for prompt treatment in order to protect the student against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written order is provided to the school nurse;
  - (ii) there is a written authorization from the student's parent or guardian regarding the possession of a cartridge injector by the student at all times in order to protect the student against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written authorization is provided to the school nurse;
  - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer cartridge injectors for medically-diagnosed allergies in the school setting shall not be used to prevent a student from retaining and self-administering a cartridge injector for medically-diagnosed allergies. Students may self-administer medication with only the written authorization of an authorized prescriber and written authorization from the student's parent or guardian or eligible student; and
  - (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.
- (e) a student with a medically diagnosed life-threatening allergic condition may possess, self-administer, or possess and self-administer medication, including but not limited to medication administered with a cartridge injector, to protect the student against serious harm or death, provided the following conditions are met:
  - (i) the parent or guardian of the student has provided written authorization for the student to possess, self-administer, or possess and self-administer such medication; and

- (ii) a qualified medical professional has provided a written order for the possession, self-administration, or possession and self-administration.
- (f) a coach of intramural or interscholastic athletic events or licensed athletic trainer who has been trained in the administration of medication in accordance with Section J of this policy, during intramural or interscholastic athletic events, may administer inhalant medications prescribed to treat respiratory conditions and/or medication administered with a cartridge injector for students with medically diagnosed allergic conditions which may require prompt treatment to protect the student against serious harm or death, provided all of the following conditions are met:
- (i) the school nurse has determined that a self-administration plan is not viable;
  - (ii) the school nurse has provided to the coach a copy of the authorized prescriber's order and parental permission form;
  - (iii) the parent/guardian has provided the coach or licensed athletic trainer with the medication in accordance with Section K of this policy, and such medication is separate from the medication stored in the school health office for use during the school day; and
  - (iv) the coach or licensed athletic trainer agrees to the administration of emergency medication and implements the emergency care plan, identified in Section H of this policy, when appropriate.
- (g) an identified paraeducator who has been trained in the administration of medication in accordance with Section J of this policy, provided medication is administered only to a specific student in order to protect that student from harm or death due to a medically diagnosed allergic condition, and the following additional conditions are met:
- (i) there is written authorization from the student's parents/guardian to administer the medication in school;
  - (ii) medication is administered pursuant to the written order of (A) a physician licensed under chapter 370 of the Connecticut General Statutes, (B) an optometrist licensed to practice optometry under chapter 380 of the Connecticut General Statutes, (C) an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a of the Connecticut General Statutes, or (D) a physician assistant licensed to

prescribe in accordance with section 20-12d of the Connecticut General Statutes;

- (iii) medication is administered only with approval by the school nurse and school medical advisor, if any, in conjunction with the school nurse supervisor and under the supervision of the school nurse;
  - (iv) the medication to be administered is limited to medications necessary for prompt treatment of an allergic reaction, including, but not limited to, a cartridge injector; and
  - (v) the paraeducator shall have received proper training and supervision from the school nurse in accordance with this policy and state regulations.
- (h) a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or paraeducator, provided medication is antiepileptic medication, including by rectal syringe, administered only to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan, and the following additional conditions are met:
- (i) there is written authorization from the student's parents/guardians to administer the medication;
  - (ii) a written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;
  - (iii) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or paraeducator is selected by the school nurse and school medical advisor, if any, and voluntarily agrees to administer the medication;
  - (iv) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or paraeducator annually completes the training program established by the Connecticut State Department of Education and the Association of School Nurses of Connecticut as required by Connecticut General Statutes § 10-212a, and the school nurse and medical advisor, if any, have attested, in writing, that such training has been completed; and
  - (v) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board,

coach or paraeducator receives monthly reviews by the school nurse to confirm competency to administer antiepileptic medication.

- (i) a director of a school readiness program or a before or after school program, or the director's designee, provided that the medication is administered:
  - (i) only to a student enrolled in such program; and
  - (ii) in accordance with Section L of this policy.
- (j) a licensed practical nurse, after the school nurse has established the medication plan, provided that the licensed practical nurse may not train or delegate the administration of medication to another individual, and provided that the licensed practical nurse can demonstrate one of the following:
  - (i) training in administration of medications as part of their basic nursing program;
  - (ii) successful completion of a pharmacology course and subsequent supervised experience; or
  - (iii) supervised experience in the administration of medication while employed in a health care facility.
- (4) Medications may also be administered by a parent or guardian to the parent or guardian's own child on school grounds.
- (5) Investigational drugs or research or study medications may be administered only by a licensed nurse. For FDA-approved medications being administered according to a study protocol, a copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

C. Diabetic Students

- (1) The Board permits blood glucose testing by students who have a written order from a physician or an advanced practice registered nurse stating the need and capability of such student to conduct self-testing, or the use of continuous blood glucose monitors (CGM) by students diagnosed with Type 1 diabetes, who have a written order from a physician or an advanced practice registered nurse.
- (2) The Board will not restrict the time or location of blood glucose testing by a student with diabetes on school grounds who has written authorization from a parent or guardian and a written order from a physician or an advanced

practice registered nurse stating that such student is capable of conducting self-testing on school grounds.

- (3) The Board will not require a student using a continuous glucose monitor approved by the Food and Drug Administration for use without finger stick verification to undergo finger stick verification of blood glucose readings from a continuous glucose monitor on a routine basis. Finger stick testing of a student using a continuous glucose monitor so approved by the Food and Drug Administration shall only be conducted: (1) as ordered by the student's physician or advanced practice provider; (2) if it appears that the continuous glucose monitor is malfunctioning; or (3) in an urgent medical situation.
- (4) The Board shall purchase or use existing equipment owned by the Board to monitor blood glucose alerts transmitted from continuous glucose monitors of students with Type 1 diabetes to dedicated receivers, smartphone/tablet applications, or other appropriate technology on such equipment.
- (5) In the absence or unavailability of the school nurse, select school employees may administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death, under the following conditions:
  - (a) The student's parent or guardian has provided written authorization;
  - (b) A written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;
  - (c) The school employee is selected by either the school nurse or principal and is a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or paraeducator;
  - (d) The school nurse shall provide general supervision to the selected school employee;
  - (e) The selected school employee annually completes any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon;
  - (f) The school nurse and school medical advisor have attested in writing that the selected school employee completed the required training; and
  - (g) The selected school employee voluntarily agrees to serve as one who may administer medication with injectable equipment used to

administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death.

D. Epinephrine for Purposes of Emergency First Aid Without Prior Authorization

- (1) For purposes of this Section D, “regular school hours” means the posted hours during which students are required to be in attendance at the individual school on any given day.
- (2) The school nurse shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions and do not have prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine.
  - (a) The school nurse, in consultation with the school nurse supervisor, shall determine the supply of epinephrine in cartridge injectors that shall be available in the individual school.
  - (b) In determining the appropriate supply of epinephrine in cartridge injectors, the nurse may consider, among other things, the number of students regularly in the school building during the regular school day and the size of the physical building.
- (3) The school nurse or school principal shall select principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or paraeducator(s) to maintain and administer the epinephrine in cartridge injectors for the purpose of emergency first aid as described in Paragraph (2) above, in the absence of the school nurse.
  - (a) More than one individual must be selected by the school nurse or school principal for such maintenance and administration in the absence of the school nurse.
  - (b) The selected personnel, before conducting such administration, must annually complete the training made available by the Department of Education for the administration of epinephrine in cartridge injectors for the purpose of emergency first aid, as described in Connecticut General Statutes § 10-212g.
  - (c) The selected personnel must voluntarily agree to complete the training and administer epinephrine in cartridge injectors for the purpose of emergency first aid.
- (4) Either the school nurse or, in the absence of the school nurse, at least one of the selected and trained personnel as described in Paragraph (3) above shall be on the grounds of each school during regular school hours.

- (a) The school principal, in consultation with the school nurse supervisor, shall determine the level of nursing services and number of selected and trained personnel necessary to ensure that a nurse or selected and trained personnel is present on the grounds of each school during regular school hours.
  - (b) If the school nurse, or a substitute school nurse, is absent or must leave school grounds during regular school hours, the school nurse, school administrator or designee shall use an effective and reasonable means of communication to notify one or more qualified school employees and other staff in the school that the selected and trained personnel identified in Paragraph (3) above shall be responsible for the emergency administration of epinephrine.
- (5) The administration of epinephrine pursuant to this section must be done in accordance with this policy, including but not limited to the requirements for documentation and record keeping, errors in medication, emergency medical procedures, and the handling, storage and disposal of medication, and the Regulations adopted by the Department of Education.
- (6) The parent or guardian of any student may submit, in writing, to the school nurse or school medical advisor, if any, that epinephrine shall not be administered to such student pursuant to this section.
- (a) The school nurse shall notify selected and trained personnel of the students whose parents or guardians have refused emergency administration of epinephrine.
  - (b) The Board shall annually notify parents or guardians of the need to provide such written notice.
- (7) Following the emergency administration of epinephrine by selected and trained personnel as identified in this section:
- (a) Such emergency administration shall be reported immediately to:
    - (i) The school nurse or school medical advisor, if any, by the personnel who administered the epinephrine; and
    - (ii) The student's parent or guardian, by the school nurse or personnel who administered the epinephrine.

- (b) A medication administration record shall be:
  - (i) Submitted to the school nurse by the personnel who administered the epinephrine as soon as possible, but no later than the next school day; and
  - (ii) filed in or summarized on the student's cumulative health record, in accordance with the Document and Record Keeping section of this policy.

E. Opioid Antagonists for Purposes of Emergency First Aid Without Prior Authorization

- (1) For purposes of this Section E, “regular school hours” means the posted hours during which students are required to be in attendance at the individual school on any given day. “Regular school hours” does not include after-school events such as athletics or extracurricular activities that take place outside the posted hours.
- (2) For purposes of this section, an “opioid antagonist” means naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the FDA has approved for the treatment of a drug overdose.
- (3) In accordance with Connecticut law and this policy, a school nurse may maintain opioid antagonists for the purpose of administering emergency first aid to students who experience a known or suspected opioid overdose and do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of such opioid antagonist.
  - (a) The school nurse, in consultation with the Board’s medical advisor, shall determine the supply of opioid antagonists that shall be maintained in the individual school.
  - (b) In determining the appropriate supply of opioid antagonists, the nurse may consider, among other things, the number of students regularly in the school building during the regular school day and the size of the physical building.
  - (c) The school nurse shall be responsible for the safe storage of opioid antagonists maintained in a school and shall ensure any supply of opioid antagonists maintained is stored in a secure manner, in accordance with the manufacturer’s instructions, and in a location where it can be obtained in a timely manner if administration is necessary.

- (d) The school nurse shall be responsible for maintaining an inventory of opioid antagonists maintained in the school, tracking the date(s) of expiration of the supply of opioid antagonists maintained in a school, and, as appropriate, refreshing the supply of opioid antagonists maintained in the school.
- (4) The school nurse, in consultation with the Superintendent and the building principal, shall provide notice to parents and guardians of the Board's policies and procedures regarding the emergency administration of opioid antagonists in the event of a known or suspected opioid overdose.
- (5) A school nurse shall be approved to administer opioid antagonists for the purpose of emergency first aid, as described in Paragraph (3) above, in the event of a known or suspected opioid overdose, in accordance with this policy and provided that such nurse has completed a training program in the distribution and administration of an opioid antagonist (1) developed by the State Department of Education, Department of Consumer Protection, and Department of Public Health, or (2) under a local agreement, entered into by the Board on July 1, 2022 or thereafter, with a prescriber or pharmacist for the administration of opioid antagonists for the purpose of emergency first aid, which training shall also address the Board's opioid antagonist storage, handling, labeling, recalls, and record keeping.
- (6) The school nurse or school principal shall select principal(s), teacher(s), licensed athletic trainer(s), coach(es), paraeducator(s), and/or licensed physical or occupational therapist(s) employed by the Board to maintain and administer the opioid antagonists for the purpose of emergency first aid as described in Paragraph (3) above, in the absence of the school nurse.
  - (a) More than one individual must be selected by the school nurse or school principal for such maintenance and administration in the absence of the school nurse.
  - (b) The selected personnel, before administering an opioid antagonist pursuant to this section, must complete a training program in the distribution and administration of an opioid antagonist (1) developed by the State Department of Education, Department of Consumer Protection, and Department of Public Health, or (2) under a local agreement, entered into by the Board on July 1, 2022 or thereafter, with a prescriber or pharmacist for the administration of opioid antagonists for the purpose of emergency first aid, which training shall also address the Board's opioid antagonist storage, handling, labeling, recalls, and record keeping.
  - (c) All school personnel shall be notified of the identity of qualified school employees authorized to administer an opioid antagonist in the absence of the school nurse.

- (7) Either the school nurse or, in the absence of the school nurse, at least one of the selected and trained personnel as described in Paragraph (6) above, shall be on the grounds of each school during regular school hours.
- (a) The school principal, in consultation with the school nurse supervisor, shall determine the level of nursing services and number of selected and trained personnel necessary to ensure that a nurse or selected and trained personnel is present on the grounds of each school during regular school hours.
  - (b) If the school nurse, or a substitute school nurse, is absent or must leave school grounds during regular school hours, the school nurse, school administrator or designee shall use an effective and reasonable means of communication to notify one or more qualified school employees and other staff in the school that the selected and trained personnel identified in Paragraph (6) above shall be responsible for the emergency administration of opioid antagonists.
  - (c) If a Board employee becomes aware of a student experiencing a known or suspected opioid overdose on school grounds but outside of regular school hours and opioid antagonists and/or the school nurse or other qualified school employee is not available to administer opioid antagonists for the purpose of emergency first aid, the Board employee will call 9-1-1.
- (8) The District may also maintain intranasally or orally administered opioid antagonists in a secure box, pursuant to an agreement with a prescriber or pharmacist that permits the District to install on the District's premises a secure box. For the purposes of this section, a "secure box" means a container that (A) is securely affixed in a public location, (B) can be accessed by individuals for public use, (C) is temperature controlled or stored in an environment with temperature controls, (D) is tamper-resistant, (E) is equipped with an alarm capable of detecting and transmitting a signal when accessed by individuals, and (F) is equipped with an alarm capable of alerting first responders when accessed by individuals, unless equipping the container with such an alarm is commercially impracticable. Such agreement shall address the environmental controls necessary to store such opioid antagonist, establish procedures for replenishment of such opioid antagonist, and establish a process for monitoring the expiration dates of such opioid antagonist and disposing of any expired opioid antagonist. The secure box shall not contain an opioid antagonist in an amount greater than the amount necessary to serve the community in which it is installed. The secure box may also contain an automatic external defibrillator or other products used to treat a medical emergency. The District shall post signage disclosing the presence of such opioid antagonists and usage directions for such opioid antagonist, in the language or languages spoken in the community in which the secure box is installed. If the District is unable to maintain the secure box, or the supplies

necessary to maintain the secure box are unavailable, the District shall remove such secure box, and all signs required under this policy concerning such secure box, as soon as practicable but in no event later than five days after the District discovers that it is unable to maintain such secure box or the supplies necessary to maintain such secure box.

- (9) The District may also maintain, pursuant to an agreement with a prescriber or pharmacist that permits the District to operate a vending machine for the distribution of intranasally administered opioid antagonists, a vending machine for such purposes. The vending machine shall either be kept at a location that maintains a temperature that is at all times consistent with the manufacturer's package insert or has the ability to maintain an environment, independent of the external environment, that is appropriate for the opioid antagonist, in accordance with manufacturer's package insert. The District shall display, clearly and conspicuously, on the outside of or adjacent to the vending machine or upon the distribution of the opioid antagonist:
  - (a) Information concerning the signs and symptoms of an overdose;
  - (b) Instructions for the use of the opioid antagonist;
  - (c) Information about the services that are offered in Connecticut to treat opioid use disorder; and
  - (d) an Internet web site address that contains, or a quick response (QR) code that directs an individual to an Internet web site that contains, information concerning the signs and symptoms of an overdose, overdose response and instructions for the use of the opioid antagonist.
- (10) The administration and storage of opioid antagonists pursuant to this policy must be effected in accordance with this policy and procedures regarding the acquisition, maintenance, and administration established by the Superintendent in consultation with the Board's medical advisor.
- (11) The parent or guardian of any student may submit, in writing, to the school nurse or school medical advisor, if any, that opioid antagonists shall not be administered to such student pursuant to this section.
  - (a) The school nurse shall notify selected and trained personnel of the students whose parents or guardians have refused emergency administration of opioid antagonists.
  - (b) The Board shall annually notify parents or guardians of the need to provide such written notice of refusal.
- (12) Following the emergency administration of an opioid antagonist by a school nurse or selected and trained personnel as identified in this section:

- (a) Immediately following the emergency administration of an opioid antagonist by a school nurse or selected and trained personnel as identified in this section, the person administering the opioid antagonist must call 911.
  - (b) Such emergency administration shall be reported immediately to:
    - (i) The school nurse or school medical advisor, if any, by the personnel who administered the opioid antagonist;
    - (ii) The Superintendent of Schools; and
    - (iii) The student's parent or guardian.
  - (c) A medication administration record shall be:
    - (i) Created by the school nurse or submitted to the school nurse by the personnel who administered the opioid antagonist, as soon as possible, but no later than the next school day; and
    - (ii) filed in or summarized on the student's cumulative health record, in accordance with Section F of this policy.
- (13) In the event that any provisions of this Section E conflict with regulations adopted by the Connecticut State Department of Education concerning the use, storage and administration of opioid antagonists in schools, the Department's regulations shall control.

F. Documentation and Record Keeping

- (1) Each school or before or after school program and school readiness program where medications are administered shall maintain an individual medication administration record for each student who receives medication during school or program hours. This record shall include the following information:
  - (a) the name of the student;
  - (b) the student's state-assigned student identifier (SASID);
  - (c) the name of the medication;
  - (d) the dosage of the medication;
  - (e) the route of the administration, (e.g., oral, topical, inhalant, etc.);
  - (f) the frequency of administration;
  - (g) the name of the authorized prescriber;
  - (h) the dates for initiating and terminating the administration of medication, including extended-year programs;
  - (i) the quantity received at school and verification by the adult delivering the medication of the quantity received;

- (j) the date the medication is to be reordered (if any);
  - (k) any student allergies to food and/or medication(s);
  - (l) the date and time of each administration or omission, including the reason for any omission;
  - (m) the dose or amount of each medication administered;
  - (n) the full written or electronic legal signature of the nurse or other authorized school personnel administering the medication; and
  - (o) for controlled medications, a medication count which should be conducted and documented at least once a week and co-signed by the assigned nurse and a witness.
- (2) All records are either to be made in ink and shall not be altered, or recorded electronically in a record that cannot be altered.
- (3) Written orders of authorized prescribers, written authorizations of a parent or guardian, the written parental permission for the exchange of information by the prescriber and school nurse to ensure safe administration of such medication, and the completed medication administration record for each student shall be filed in the student's cumulative health record or, for before or after school programs and school readiness programs, in the student's program record.
- (4) Authorized prescribers may make verbal orders, including telephone orders, for a *change* in medication order. Such verbal orders may be received only by a school nurse and must be followed by a written order, which may be faxed, and must be received within three (3) school days.
- (5) Medication administration records will be made available to the Department of Education for review until destroyed pursuant to Section 11-8a and Section 10-212a(b) of the Connecticut General Statutes.
- (a) The completed medication administration record for non-controlled medications may, at the discretion of the school district, be destroyed in accordance with Section M8 of the Connecticut Record Retention Schedules for Municipalities upon receipt of a signed approval form (RC-075) from the Office of the Public Records Administrator, so long as such record is superseded by a summary on the student health record.
  - (b) The completed medication administration record for controlled medications shall be maintained in the same manner as the non-controlled medications. In addition, a separate medication administration record needs to be maintained in the school for three (3) years pursuant to Section 10-212a(b) of the Connecticut General Statutes.

- (6) Documentation of any administration of medication by a coach or licensed athletic trainer shall be completed on forms provided by the school and the following procedures shall be followed:
  - (a) a medication administration record for each student shall be maintained in the athletic offices;
  - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
  - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and
  - (d) the administration of medication record must be submitted to the school nurse at the end of each sport season and filed in the student's cumulative health record.

G. Errors in Medication Administration

- (1) Whenever any error in medication administration occurs, the following procedures shall apply:
  - (a) the person making the error in medication administration shall immediately implement the medication emergency procedures in this policy if necessary;
  - (b) the person making the error in medication administration shall in all cases immediately notify the school nurse, principal, school nurse supervisor, and authorized prescriber. The person making the error, in conjunction with the principal, shall also immediately notify the parent or guardian, advising of the nature of the error and all steps taken or being taken to rectify the error, including contact with the authorized prescriber and/or any other medical action(s); and
  - (c) the principal shall notify the Superintendent or the Superintendent's designee.
- (2) The school nurse, along with the person making the error, shall complete a report using the authorized medication error report form. The report shall include any corrective action taken.
- (3) Any error in the administration of medication shall be documented in the student's cumulative health record or, for before or after school programs and school readiness programs, in the student's program record.

- (4) These same procedures shall apply to coaches and licensed athletic trainers during intramural and interscholastic events, except that if the school nurse is not available, a report must be submitted by the coach or licensed athletic trainer to the school nurse the next school day.

#### H. Medication Emergency Procedures

- (1) Whenever a student has a life-threatening reaction to administration of a medication, resolution of the reaction to protect the student's health and safety shall be the foremost priority. The school nurse and the authorized prescriber shall be notified immediately, or as soon as possible in light of any emergency medical care that must be given to the student.
- (2) Emergency medical care to resolve a medication emergency includes but is not limited to the following, as appropriate under the circumstances:
  - (a) use of the 911 emergency response system;
  - (b) application by properly trained and/or certified personnel of appropriate emergency medical care techniques, such as cardio-pulmonary resuscitation;
  - (c) administration of emergency medication in accordance with this policy;
  - (d) contact with a poison control center; and
  - (e) transporting the student to the nearest available emergency medical care facility that is capable of responding to a medication emergency.
- (3) As soon as possible, in light of the circumstances, the principal shall be notified of the medication emergency. The principal shall immediately thereafter contact the Superintendent or the Superintendent's designee, who shall thereafter notify the parent or guardian, advising of the existence and nature of the medication emergency and all steps taken or being taken to resolve the emergency and protect the health and safety of the student, including contact with the authorized prescriber and/or any other medical action(s) that are being or have been taken.

#### I. Supervision

- (1) The school nurse is responsible for general supervision of administration of medications in the school(s) to which that nurse is assigned.
- (2) The school nurse's duty of general supervision includes, but is not limited to, the following:
  - (a) availability on a regularly scheduled basis to:

- (i) review orders or changes in orders and communicate these to personnel designated to give medication for appropriate follow-up;
  - (ii) set up a plan and schedule to ensure medications are given properly;
  - (iii) provide training to licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and interscholastic athletics, licensed athletic trainers and identified paraeducators designated in accordance with Section B(3)(g), above, which training shall pertain to the administration of medications to students, and assess the competency of these individuals to administer medication;
  - (iv) support and assist other licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics, licensed athletic trainers and identified paraeducators designated in accordance with Section B(3)(g), above, to prepare for and implement their responsibilities related to the administration of specific medications during school hours and during intramural and interscholastic athletics as provided by this policy;
  - (v) provide appropriate follow-up to ensure the administration of medication plan results in desired student outcomes, including providing proper notification to appropriate employees or contractors regarding the contents of such medical plans; and
  - (vi) provide consultation by telephone or other means of telecommunications, which consultation may be provided by an authorized prescriber or other nurse in the absence of the school nurse.
- (b) In addition, the school nurse shall be responsible for:
- (i) implementing policies and procedures regarding the receipt, storage, and administration of medications;
  - (ii) reviewing, on a periodic basis, all documentation pertaining to the administration of medications for students;
  - (iii) performing observations of the competency of medication administration by full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by

the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraeducators designated in accordance with Section B(3)(g), above, who have been newly trained to administer medications; and,

- (iv) conducting periodic reviews, as needed, with licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraeducators designated in accordance with Section B(3)(g), above, regarding the needs of any student receiving medication.

J. Training of School Personnel

- (1) Full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraeducators designated in accordance with Section B(3)(g), above, who are designated to administer medications shall at least annually receive training in their safe administration, and only trained full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraeducators designated in accordance with Section B(3)(g), above, shall be allowed to administer medications.
- (2) Training for full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraeducators designated in accordance with Section B(3)(g), above, shall include, but is not necessarily limited to, the following:
  - (a) the general principles of safe administration of medication;
  - (b) the procedures for administration of medications, including the safe handling and storage of medications, and the required record-keeping; and
  - (c) specific information related to each student's medication plan, including the name and generic name of the medication, indications for medication dosage, routes, time and frequency of administration, therapeutic effects of the medication, potential side effects, overdose

or missed doses of the medication, and when to implement emergency interventions.

- (3) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or school paraeducator(s) who administer epinephrine pursuant to Sections B and D above, shall annually complete the training program developed by the Departments of Education and Public Health and training in cardiopulmonary resuscitation and first aid, as described in Connecticut General Statutes § 10-212g.
- (4) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s), coach(es) and/or paraeducator(s) who administer opioid antagonists as emergency first aid, pursuant to Section E above, shall annually complete a training program in the distribution and administration of an opioid antagonist (1) developed by the State Department of Education, Department of Consumer Protection, and Department of Public Health, or (2) under a local agreement, entered into by the Board on July 1, 2022 or thereafter, with a prescriber or pharmacist for the administration of opioid antagonists for the purpose of emergency first aid, which training shall also address the Board's opioid antagonist storage, handling, labeling, recalls, and record keeping.
- (5) The Board shall maintain documentation of medication administration training as follows:
  - (a) dates of general and student-specific trainings;
  - (b) content of the trainings;
  - (c) individuals who have successfully completed general and student-specific administration of medication training for the current school year; and
  - (d) names and credentials of the nurse or school medical advisor, if any, trainer or trainers.
- (6) Licensed practical nurses may not conduct training in the administration of medication to another individual.

K. Handling, Storage and Disposal of Medications

- (1) All medications, except those approved for transporting by students for self-medication, those administered by coaches of intramural or interscholastic athletics or licensed athletic trainers in accordance with Section B(3)(f) above, and epinephrine or naloxone to be used for emergency first aid in accordance with Sections D and E above, must be delivered by the parent, guardian, or

other responsible adult to the nurse assigned to the student's school or, in the absence of such nurse, the school principal who has been trained in the appropriate administration of medication. Medications administered by coaches of intramural or interscholastic athletics or licensed athletic trainers must be delivered by the parent or guardian directly to the coach or licensed athletic trainer in accordance with Section B(3)(f) above.

- (2) The nurse shall examine on-site any new medication, medication order and the required authorization to administer form, and, except for epinephrine and naloxone to be used as emergency first aid in accordance with Sections D and E above, shall develop a medication administration plan for the student before any medication is given to the student by any school personnel. No medication shall be stored at a school without a current written order from an authorized prescriber.
- (3) The school nurse shall review all medication refills with the medication order and parent authorization prior to the administration of medication, except for epinephrine and naloxone intended for emergency first aid in accordance with Sections D and E above.
- (4) Emergency Medications
  - (a) Except as otherwise determined by a student's emergency care plan, emergency medications shall be stored in an unlocked, clearly labeled and readily accessible cabinet or container in the health room during school hours under the general supervision of the school nurse or, in the absence of the school nurse, the principal or the principal's designee who has been trained in the administration of medication.
  - (b) Emergency medication shall be locked beyond the regular school day or program hours, except as otherwise determined by a student's emergency care plan.
- (5) All medications, except those approved for keeping by students for self-medication, shall be kept in a designated and locked location used exclusively for the storage of medication. Controlled substances shall be stored separately from other drugs and substances in a separate, secure, substantially constructed, locked metal or wood cabinet.
- (6) Access to stored medications shall be limited to persons authorized to administer medications. Each school or before or after school program and school readiness program shall maintain a current list of such authorized persons.
- (7) All medications, prescription and non-prescription, shall be delivered and stored in their original containers and in such a manner that renders them safe and effective.

- (8) At least two sets of keys for the medication containers or cabinets shall be maintained for each school building or before or after school program and school readiness program. One set of keys shall be maintained under the direct control of the school nurse or nurses and an additional set shall be under the direct control of the principal and, if necessary, the program director or lead teacher who has been trained in the general principles of the administration of medication shall also have a set of keys.
- (9) Medications that must be refrigerated shall be stored in a refrigerator at no less than 36 degrees Fahrenheit and no more than 46 degrees Fahrenheit. The refrigerator must be located in the health office that is maintained for health services with limited access. Non-controlled medications may be stored directly on the refrigerator shelf with no further protection needed. Controlled medication shall be stored in a locked box that is affixed to the refrigerator shelf.
- (10) All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian or, if the medication cannot be returned to the parent or guardian, the medication shall be destroyed in collaboration with the school nurse:
  - (a) non-controlled drugs shall be destroyed in the presence of at least one witness;
  - (b) controlled drugs shall be destroyed in pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies; and
  - (c) accidental destruction or loss of controlled drugs must be verified in the presence of a second person, including confirmation of the presence or absence of residue, and jointly documented on the student medication administration record and on a medication error form pursuant to Section 10-212a(b) of the Connecticut General Statutes. If no residue is present, notification must be made to the Department of Consumer Protection pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies.
- (11) Medications to be administered by coaches of intramural or interscholastic athletic events or licensed athletic trainers shall be stored:
  - (a) in containers for the exclusive use of holding medications;
  - (b) in locations that preserve the integrity of the medication;
  - (c) under the general supervision of the coach or licensed athletic trainer trained in the administration of medication; and

- (d) in a locked secured cabinet when not under the general supervision of the coach or licensed athletic trainer during intramural or interscholastic athletic events.
- (12) In no event shall a school store more than a three (3) month supply of a medication for a student.

L. School Readiness Programs and Before or After School Programs

- (1) As determined by the school medical advisor, if any, and school nurse supervisor, the following procedures shall apply to the administration of medication during school readiness programs and before or after school programs run by the Board, which are exempt from licensure by the Office of Early Childhood:
- (a) Administration of medication at these programs shall be provided only when it is medically necessary for participants to access the program and maintain their health status while attending the program.
  - (b) Except as provided by Sections D and E above, no medication shall be administered in these programs without:
    - (i) the written order of an authorized prescriber; and
    - (ii) the written authorization of a parent or guardian or an eligible student.
  - (c) A school nurse shall provide consultation to the program director, lead teacher or school administrator who has been trained in the administration of medication regarding the safe administration of medication within these programs. The school medical advisor and school nurse supervisor shall determine whether, based on the population of the school readiness program and/or before or after school program, additional nursing services are required for these programs.
  - (d) Only school nurses, directors or directors' designees, lead teachers or school administrators who have been properly trained may administer medications to students as delegated by the school nurse or other registered nurse. Properly trained directors or directors' designees, lead teachers or school administrators may administer oral, topical, intranasal or inhalant medications. Investigational drugs or research or study medications may not be administered in these programs.
  - (e) Students attending these programs may be permitted to self-medicate only in accordance with the provisions of Section B(3) of this policy. In such a case, the school nurse must provide the program director,

lead teacher or school administrator running the program with the medication order and parent permission for self-administration.

- (f) In the absence of the school nurse during program administration, the program director, lead teacher or school administrator is responsible for decision-making regarding medication administration.
  - (g) Cartridge injector medications may be administered by a director, lead teacher or school administrator only to a student with a medically-diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.
- (2) Local poison control center information shall be readily available at these programs.
  - (3) Procedures for medication emergencies or medication errors, as outlined in this policy, must be followed, except that in the event of a medication error a report must be submitted by the program director, lead teacher or school administrator to the school nurse the next school day.
  - (4) Training for directors or directors' designees, lead teachers or school administrators in the administration of medication shall be provided in accordance with Section J of this policy.
  - (5) All medications must be handled and stored in accordance with Section K of this policy. Where possible, a separate supply of medication shall be stored at the site of the before or after or school readiness program. In the event that it is not possible for the parent or guardian to provide a separate supply of medication, then a plan shall be in place to ensure the timely transfer of the medication from the school to the program and back on a daily basis.
  - (6) Documentation of any administration of medication shall be completed on forms provided by the school and the following procedures shall be followed:
    - (a) a medication administration record for each student shall be maintained by the program;
    - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
    - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and

- (d) the administration of medication record must be submitted to the school nurse at the end of each school year and filed in the student's cumulative health record.
- (7) The procedures for the administration of medication at school readiness programs and before or after school programs shall be reviewed annually by the school medical advisor, if any, and school nurse supervisor.

M. Review and Revision of Policy

In accordance with the provisions of Conn. Gen. Stat. Section 10-212a(a)(2) and Section 10-212a-2 of the Regulations of Connecticut State Agencies, the Board shall review this policy periodically, and at least biennially, with the advice and approval of the school medical advisor, if any, or other qualified licensed physician, and the school nurse supervisor. Any proposed revisions to the policy must be made with the advice and approval of the school medical advisor, school nurse supervisor or other qualified licensed physician.

Legal References:

Connecticut General Statutes:

Public Act No. 24-93, "An Act Concerning Various and Assorted Revisions to the Education Statutes."

Section 10-206  
Section 10-212  
Section 10-212a  
Section 10-212c  
Section 10-212g  
Section 10-220j  
Section 14-276b  
Section 19a-900  
Section 21a-240  
Section 21a-286  
Section 52-557b

Regulations of Conn. State Agencies:

Sections 10-212a-1 through 10-212a-10, inclusive

Memorandum of Decision, In Re: Declaratory Ruling/Delegation by Licensed Nurses to Unlicensed Assistive Personnel, Connecticut State Board of Examiners for Nursing (April 5, 1995)

Storage and Administration of Opioid Antagonists in Schools: Guidelines for Local and Regional Boards of Education, Connecticut State Department of Education (October 1, 2022)

Approved: November 21, 2023

NEW MILFORD PUBLIC SCHOOLS

Revised:

New Milford, Connecticut





**Note This policy was revised i to update the appeal procedures to ensure consistency across all policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule requires that boards of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, polices related to discrimination and harassment were revised to ensure the appeal procedures are comparable across all polices.**

**Series 5000  
Students**

**5145.45**

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING STUDENTS  
AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the New Milford Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student’s parents/guardians disagree with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617) 289-0111

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact the Section 504/ADA Coordinator for the District:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**  
**e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

Legal References:

29 U.S.C. §§ 705, 794  
34 C.F.R. Part 104  
42 U.S.C. § 12101 et seq.  
28 C.F.R. Part 35

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

*Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19, 2012)

*Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973*, Office for Civil Rights (July 2022), available at [https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term](https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)

Approved: June 20, 2023

NEW MILFORD PUBLIC SCHOOLS

Revised:

New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS  
AND SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

New Milford Board of Education Section 504/ADA Grievance/Complaint  
Procedures Regarding Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

**I. Definitions**

**Free appropriate public education (FAPE)** for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees similarly imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating measures** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or mental impairment** is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs),

cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## **II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability**

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that the individual has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the designated Section 504/ADA Coordinator (*see* contact information below) for the New Milford Public Schools (the “District”) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under the appropriate administrative regulations.
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board’s ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.
- C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student’s rights with respect to the student’s identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- D. Retaliation against any individual who complains pursuant to the Board’s policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual’s participation or cooperation in the investigation of a complaint. The District will take necessary

actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

***[NOTE: Districts should note that Section 504 does not provide a statute of limitations for filing grievances/complaints with the district. We recommend that districts encourage prompt reporting by suggesting that complaints be filed within thirty (30) school days in order to facilitate timely resolution of potential disputes.]***

- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504 Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504 Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.
- H. The complaint should contain the following information:
  - 1. The name of the complainant;
  - 2. The date of the complaint;
  - 3. The date(s) of the alleged discrimination;
  - 4. The names of any witnesses or individuals relevant the complaint;
  - 5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
  - 6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- I. Upon receipt of the complaint, the individual investigating the complaint shall:
  - 1. Provide a copy of the written complaint to the Superintendent of Schools;
  - 2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - 3. Provide the complainant and the respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;

4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;
10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

- J. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the

parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

### **III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement**

Complaints regarding a student's identification, evaluation or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

#### **A. Submission of Complaint to Section 504/ADA Coordinator**

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator (*see* contact information below) within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.
2. The complaint concerning a student's identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
  - f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
4. Upon receipt of the complaint, the Section 504/ADA Coordinator or the Coordinator's designee shall:

- a. Forward a copy of the complaint to the Superintendent of Schools;
- b. Meet with the complainant within ten (10) school days to discuss the nature of the complainant's concerns and determine if an appropriate resolution can be reached, or whether interim measures may be appropriate. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint, and no later than ten (10) school days after the start of the following school year;
- c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator or designee shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
- d. Communicate the results of the investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or designee.
- e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest that prevents such individual from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

**B. Review by Superintendent of Schools**

1. After receiving the written notice of the outcome, the Complainant shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee.
2. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The

decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

3. If the complainant is not satisfied with the decisionmaker for the appeal's decision or proposed resolution, such individual may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent or designee's decision.

C. Mediation Procedures

1. A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student.
2. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties.
3. The request for mediation concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
  - f. Remedy requested.
4. Upon receipt of a request for mediation,
  - a. The Section 504/ADA Coordinator shall:
    - i. Forward a copy of the request for mediation to the Superintendent of Schools; and
    - ii. Inform the parent/guardian or student 18 years old or older as to whether the District agrees to mediation in writing.
  - b. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public

education (“FAPE”) under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act (“IDEA”).

- c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant’s own expense, if desired.
6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.
8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older, who disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for a due process hearing concerning a disagreement relating to a student’s identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student’s identification, evaluation and/or placement; and
  - f. Remedy requested.
2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education

(“FAPE”) under Section 504 and the distinctions between and among Section 504, the ADA and the IDEA.

3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.
4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party’s own expense, if desired.
5. The impartial hearing officer shall hear all aspects of the complainant’s complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer’s decision shall be final.
6. An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual’s disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.
7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board’s policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for the student’s illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined above.

**IV. The Section 504/ADA Coordinator for the District is:**

**Holly Hollander, Assistant Superintendent  
New Milford Public Schools  
25 Sunny Valley Road, Suite A  
New Milford, CT 06776  
Telephone: 860-354-3235  
e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

## **V. Complaints to Federal Agencies**

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111); <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Regulation approved: June 20, 2023

Regulation revised:

*School districts are required by law to provide notice of parent/student rights under Section 504. Reference to ADA is also included in this notice because there is overlap between Section 504 and the ADA. This suggested notice is not part of the model policy, but must be disseminated annually to parents. We recommend inclusion of this notice within your student handbook.*

## **NEW MILFORD PUBLIC SCHOOLS**

### **NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act (“ADA” or “Title II”) also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”) as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the New Milford Public Schools (the “District”) has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The District’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that the student has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if the student does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;

2. To have your child take part in and receive benefits from the District's education programs without discrimination based on your child's disability;
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on your child's disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the District's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the District. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not

limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and

15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for the District is:

**Holly Hollander, Assistant Superintendent**  
**New Milford Public Schools**  
**25 Sunny Valley Road, Suite A**  
**New Milford, CT 06776**  
**Telephone: 860-354-3235**  
**e-mail: [hollanderh@newmilfordps.org](mailto:hollanderh@newmilfordps.org)**

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-0111  
(617) 289-0111.

## Sample Section 504 Referral Form

### I. Identifying Information

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Referral: \_\_\_\_\_

Primary Language: \_\_\_ English \_\_\_ Other: \_\_\_\_\_

Referring Person: \_\_\_\_\_ Relationship to Student: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Current School: \_\_\_\_\_ Grade: \_\_\_\_\_

### II. Background Information

A. Reason for Referral: (Identify areas of concern)

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B. Strategies/Interventions to Date: (Attach copies of documentation)

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C. Pertinent Evaluative Data: (e.g. test scores, grades, evaluations, etc.)

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D. Other Relevant Information:

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E. Special Services History

Are you aware of any special services that have been provided to this student in the past?

Yes  No

If yes, describe the type, location and provider of the service.

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4. Parent Notification (if individual other than Parent has made referral):

Has the parent/guardian been notified about your concerns regarding this student?

Yes  No

If Yes, method of notification: \_\_\_\_\_

Date(s) parent/guardian was notified: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of individual completing this form)

**SAMPLE SECTION 504 MEETING NOTICE**

Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_  
Street: \_\_\_\_\_  
City/Zip Code: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_  
Street: \_\_\_\_\_  
City/Zip Code: \_\_\_\_\_

Dear \_\_\_\_\_:

Please be advised that a Section 504 meeting will be convened on behalf of your child,

\_\_\_\_\_. The meeting is scheduled as follows:  
(Child's Name)

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The purpose of this meeting is to:

- \_\_\_\_\_ Plan evaluation/initial evaluation
- \_\_\_\_\_ Determine eligibility
- \_\_\_\_\_ Develop Section 504 Plan
- \_\_\_\_\_ Review new information and/or possible need for re-evaluation
- \_\_\_\_\_ Review re-evaluation
- \_\_\_\_\_ Other

The following individuals have been invited to attend:

_____			
Name	Administration	Name	Title
_____			
Name	Instruction	Name	Title
_____			
Name	Related Service	Name	Title
_____			
Name	Student, if appropriate	Name	Title

Please make every effort to attend this meeting. You may bring anyone of your choosing to this meeting. The meeting can be rescheduled at a mutually agreed upon time and place. A COPY OF YOUR RIGHTS IS ENCLOSED. If you have any questions or wish to reschedule the meeting, please contact me:

Sincerely, \_\_\_\_\_  
[Name and Title]

A copy of this notice has been sent to the parent(s), as 504 Rights have been transferred to the student at age 18.

## SAMPLE SECTION 504 PLAN

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ GRADE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

DATE OF MEETING: \_\_\_\_\_

1. Describe the nature of the concern:

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2. Describe all evaluation data gathered:

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3. Identify the disability(ies) (i.e., physical or mental impairment that substantially impacts one or more major life activities) :

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4. Describe the basis for determining the disability(ies) (if any):

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5. Describe how the disability affects each of the impacted major life activities:

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6. Please describe the analysis undertaken to determine the potential impact on a major life activity, without consideration of the ameliorating effects of any “mitigating measures,” except for ordinary eyeglasses or contact lenses. Mitigating measures may include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Did the team consider the impact of the disability on a major life activity **without** the potential impact of any mitigating measures (except for ordinary eyeglasses and contact lenses)? For example, if the student is currently using a hearing aid, did the

team consider whether the student has a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Yes                      No

Please describe:

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7. Does the student require accommodations (i.e., regular or special education, and/or related aids and services) under section 504, in order to access the student's education and other programs of the District and/or to receive educational benefit? If so, please describe each accommodation that is necessary:

Accommodation/Service	Frequency (time/daily/weekly)	Responsible staff/implementer	Additional Description

Use this space for narrative descriptions, if necessary:

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Next Projected Meeting Date: \_\_\_\_\_

Next Review/Re-evaluation Date: \_\_\_\_\_

*(must be completed)*

Participants (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

8/17/2022

**Sample Section 504**  
**Student Eligibility Determination Worksheet**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Current School: \_\_\_\_\_ Grade: \_\_\_\_\_

Case Manager: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Cell phone: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Cell phone: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Reason for Meeting: Initial \_\_\_ Review \_\_\_ Revise Plan \_\_\_

**Describe the nature of the concern:**

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**Describe any evaluation procedure, tests, recommendations or documentation used as a basis for the decision:**

Cognitive:(dated)\_\_\_\_\_

Social/Emot./Beh:(dated)\_\_\_\_\_

Classroom Observation:(dated)\_\_\_\_\_

Developmental:(dated)\_\_\_\_\_

Health/Med:(dated)\_\_\_\_\_

Adaptive:(dated) \_\_\_\_\_

Communication:(dated)\_\_\_\_\_

Motor:(dated)\_\_\_\_\_

Achievement:(dated)\_\_\_\_\_

Other:(dated)\_\_\_\_\_

**If further medical information is needed in order to determine eligibility, please specify steps to be taken to verify and/or obtain additional information:**

\_\_\_\_\_ Consent to communicate with student's physician/medical provider requested  
\_\_\_\_\_ Request for Parent(s)/Guardian(s) to provide additional medical or other information  
(specify)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Consultation with the District's medical advisor and/or school nurse requested

\_\_\_\_\_ Other (please describe): \_\_\_\_\_

**Specify the mental or physical impairment(s):**

\_\_\_\_\_  
(as recognized in DSM-5 or other respected source if not excluded under 504/ADA, e.g., current illegal drug use)

**Indicate the Major Life Activity or Activities Substantially Affected by the Disability:**

\_\_\_\_\_

\_\_\_\_\_ **Does Require a 504 Plan**

\_\_\_\_\_ **Does NOT Require a 504 Plan**

**Section 504**  
**Sample Student Eligibility Determination Worksheet/Meeting Summary**

Student's Name: _____	Date of Birth: _____	Grade: _____
School: _____	Date of Meeting: _____	
Section 504 Case Manager: _____	Title: _____	

**A. The purpose of the meeting:**

- Review initial referral
- Determine eligibility under Section 504; and if eligible, consider whether regular or special education, or related aid or services are required for Student to receive equal access to school programs and services or to receive FAPE
- Re-evaluation to review eligibility determination due to new information
- Reevaluation due to change in placement (related to discipline)
- Review before other significant change in placement
- Review/revise Section 504 Plan

**B. 504 Team Members Present** *(Must include individuals who are knowledgeable about the student, the meaning of evaluative data, and placement options)*

Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____

**C. Review student's current academic and overall performance in all school programs and activities.** Include and attach referral information if this is an initial referral, and describe nature of concerns, basis for suspecting disability, and impact of suspected disability on student (including academic, social, behavioral etc.)

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**D. Eligibility Determination:**

*A student is eligible to receive services and/or accommodations under Section 504 if it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities. The team must consider a variety of sources when determining whether a student has such impairment.*

1. What sources of information are available at this time? **Check all that apply**  
*(Include relevant dates and names of evaluators, where appropriate.)*

- School records review (dated) \_\_\_\_\_  Observations of student (dated) \_\_\_\_\_
- Grades & report card review (dated) \_\_\_\_\_  Teacher reports (dated) \_\_\_\_\_
- Parent and/or student report (dated) \_\_\_\_\_  Informal assessments (dated) \_\_\_\_\_
- Medical information (dated) \_\_\_\_\_  Nursing Assessment (dated) \_\_\_\_\_
- Standardized testing (dated) \_\_\_\_\_  Parent/Student Interviews (dated) \_\_\_\_\_
- Checklists/behavior rating scales (dated) \_\_\_\_\_
- Other (dated) \_\_\_\_\_

2. Is current available information sufficient to make the determination of the presence of a physical or mental impairment that substantially limits a major life activity?

Yes If “YES,” continue to number 3 below.

No If “No,” Specify the type of additional information that is needed: \_\_\_\_\_

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➤ If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Evaluation* form; tests/evaluations recommended by the team shall be conducted at District expense. Parent may wish to provide outside evaluation and/or testing information from a qualified provider to be considered by the team; such evaluations and/or testing shall be at Parent expense. The District shall consider such outside information at team meeting, and must determine whether the information provided by the Parent meets the District’s standards for evaluators and evaluations. If it is necessary to communicate with outside providers, the District must obtain a release to communicate with professionals outside of district. Once needed information is gathered, a 504 meeting will be reconvened to continue the process of determining eligibility.

3. Does the student have one or more physical or mental impairments?

*A “physical or mental impairment” means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.*

NO

YES

**If “NO”:** If no physical or mental impairment exists, the student is not identified as an individual with a disability. Go to **Section E** of this form.

**If “YES”:** What are the impairments? *Please describe as recognized in DSM-5 or other respected source, if possible, if not excluded under Section 504/ADA (e.g., illegal drug use).*

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➤ **Attach all supporting documentation to this form. A statement of “YES” without supporting documentation is insufficient to meet this standard.**

➤ **If the team determines that the student is identified as having one or more physical or mental impairments, continue to the next page to determine whether there is a substantial limitation to one or more major life activities.**

4. Does the identified impairment substantially limit one or more major life activities? Please describe degree of limitation as compared to other students. *Ask: Is the impairment impacting one or more major life activities? Which ones? How is one or more major life activity impacted? What is the impact at school?*

*A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, or working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and*

skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, or reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

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**5. Mitigating Measures:**

In determining eligibility, the team must consider the impact of the disability without consideration of the ameliorative effects of any “mitigating measures” that the student may be using. For example, if the student is currently using a hearing aid, did the team consider whether the student would have a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Therefore, with respect to this student, did the team consider the impact of the disability on a major life activity without the potential impact of mitigating measures (except eyeglasses or contact lenses)?

Yes  No

*Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.*

**Please include any information relevant to consideration of mitigating measures:**

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**E. Does the student have a disability under Section 504?**

1. Does the student have one or more **physical or mental impairments**?  No  Yes

2. Does the physical or mental impairment **substantially limit** one or more Major Life Activity?  No  Yes

*Both questions must be answered **YES**, based on the preceding review of evaluative data, in order to determine that the student **has a disability under Section 504** of the Rehabilitation Act.*

3. Based on the answers to #1 and #2 above, does the student have a disability? under Section 504?  No  Yes

*If the answer to #3 is “No,” skip to Section I. If the answer to #3 is “Yes,” continue to Section F.*

**F. Does the student require a Section 504 Plan in order to provide the student with a free appropriate public education and access to the school’s programs (e.g. curriculum, extra-curricular activities, facilities, etc.)?**

No  Yes

*If “Yes,” the team must develop a Section 504 Plan.*

**G. Is this a re-evaluation (i.e. review of current plan/status) before a significant change in placement (e.g., review of new information)?**

No  Yes *[If “NO,” skip to Section H]*

1. What is the anticipated significant change of placement?

- New information received about the student, the impairment or current placement
- Graduation
- Change in program due to Disciplinary Action
- Other (specify) \_\_\_\_\_

Please describe the updated information considered by the team in conducting the reevaluation.

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If additional information, individualized testing and/or evaluations are necessary to determine continued eligibility and/or what is needed in the Student's Section 504 Plan to provide FAPE, please indicate.

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2. Consider: Is the student still eligible?  No  Yes
3. If "Yes," does the student's Section 504 Plan as currently written provide FAPE?  Yes  No
4. If "No," what changes to the plan are required? Explain basis for each decision in light of information gathered in re-evaluation. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**H. Other Relevant Information Discussed at Meeting, including any requests rejected, and basis for such rejection.**

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**I. Summary of Actions Taken**

- Parent/Guardian (or student if age 18 or over) was provided written notice of rights under Section 504 at the meeting.
- Insufficient information is available to determine student's eligibility. More evaluative information will be obtained prior to convening another Section 504 Team Meeting.
- Student is identified as a person with a disability under Section 504 and in need of regular or special education, or related services or aids.
  - A Section 504 Plan was developed.
- Student is NOT identified as a person with a disability under Section 504.

A reevaluation has been conducted.

Additional information and/or evaluations are required.

A re-valuation prior to significant change in placement has been conducted.

Other (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Title

*[This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student. It is not intended to be used a general complaint or grievance form for all parties eligible under Section 504].*

### Section 504 Request for Mediation/Hearing

*This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student.*

Name of person requesting mediation/hearing: \_\_\_\_\_

Relationship to student: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

I/we request a **MEDIATION** / **HEARING** (please circle) concerning:  
\_\_\_\_\_, \_\_\_\_\_, who resides at  
(Name of student) (Date of birth)

\_\_\_\_\_ and attends \_\_\_\_\_.  
(Address of student) (Name of school)

The date of the Section 504 meeting at which the parties failed to reach agreement: \_\_\_\_\_

Description of the issues in dispute between the parties regarding the identification, evaluation or educational placement of the student:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian  
8/2016

\_\_\_\_\_  
Date

**SECTION 504/ADA DISCRIMINATION  
GRIEVANCE/COMPLAINT FORM FOR ISSUES REGARDING STUDENTS**

*This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability, including in the identification, evaluation or educational placement of a student.*

1. Name of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

2. Contact Information for Complainant:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Home Tel. #)

\_\_\_\_\_  
(Cell # or Work #)

\_\_\_\_\_  
(E-mail)

3. Name of the Student: \_\_\_\_\_

4. Address of Student (if different from above):

\_\_\_\_\_

\_\_\_\_\_

5. Age/Grade Level/School/ (if applicable):

\_\_\_\_\_

6. Please describe the nature of your complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**NEW MILFORD PUBLIC SCHOOLS  
SAMPLE AGREEMENT TO CHANGE SECTION 504 PLAN  
WITHOUT CONVENING A SECTION 504 MEETING**

Student: \_\_\_\_\_ DOB: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ 504 Plan Being Changed: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

We agree to make the changes to the student’s Section 504 Plan as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a Section 504 meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that a parent/guardian can request a Section 504 meeting at any time to review the Section 504 Plan. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student’s program.

\_\_\_\_\_  
Parent/Guardian Signature Date

\_\_\_\_\_  
School District Representative Date

*This agreement must be signed by an administrator of the District who has full authority to sign such a document on behalf of the District and who is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.*

**The following documents are attached to this agreement:**

	Amendments (please specify)	
	Other (please specify)	

**NEW MILFORD PUBLIC SCHOOLS**  
**SAMPLE NOTICE AND CONSENT TO CONDUCT A SECTION 504 EVALUATION/RE-EVALUATION**

Date: \_\_\_\_\_

Dear \_\_\_\_\_

Your child, \_\_\_\_\_, \_\_\_\_\_ has been referred for an evaluation to  
 (student's name) (DOB)  
 determine eligibility for services under Section 504. The District must obtain the consent of parents before  
 conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

<u>TEST/EVALUATION PROCEDURE</u>	<u>AREA OF ASSESSMENT</u>	<u>EVALUATOR(S)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Adaptations/accommodations required for this evaluation are:  
 \_\_\_\_\_  
 \_\_\_\_\_

If the student requires physical adaptations in order for testing/evaluations to be completed,  
 the following adaptations are required: \_\_\_\_\_

If the student's native language is other than English, the following adaptations are required:  
 \_\_\_\_\_

No adaptations/accommodations required

**PARENTAL CONSENT**

**I give my consent** for the [DISTRICT NAME] Public Schools to conduct the evaluations described  
 above. I understand that this consent may be revoked at any time.

\_\_\_\_\_  
 Parent/Guardian Signature

\_\_\_\_\_  
 Date

**I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations  
 described above. I understand that the District must take steps as are necessary, which may include  
 requesting an impartial hearing, to ensure that my child receives or continues to receive a free  
 appropriate public education.

\_\_\_\_\_  
 Parent/Guardian Signature

\_\_\_\_\_  
 Date

**NEW MILFORD PUBLIC SCHOOLS**  
**SAMPLE NOTICE AND CONSENT FOR PLACEMENT ON SECTION 504 AND**  
**FOR THE PROVISION OF SECTION 504 ACCOMMODATIONS/SERVICES**

Date: \_\_\_\_\_

Dear \_\_\_\_\_

Your child, \_\_\_\_\_, \_\_\_\_\_ has been evaluated and has been  
(student's name) (DOB)

found eligible under Section 504. Prior to the implementation of Section 504 placement, and the provision of accommodations/services under Section 504 (as described in the Section 504 Plan attached hereto), the District requires your consent.

**PARENTAL CONSENT**

- I give my consent** for the [DISTRICT NAME] Public Schools to place my child on a Section 504 plan as described in the Section 504 Plan attached hereto). I understand that this consent may be revoked at any time.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

- I do not give** my consent for the [DISTRICT NAME] Public Schools to provide the accommodations/services described in the Section 504 Plan attached hereto.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

Included with this form are:

- The Section 504 Plan developed at the Section 504 meeting on \_\_\_\_\_.
- Your Notice of Rights Under Section 504.

**SAMPLE WORKSHEET FOR MANIFESTATION DETERMINATION**

(For those situations when the expulsion of a 504 student is contemplated; following a series of suspensions that constitute a change in placement; or following a series of informal exclusions that constitute a change in placement)

**STUDENT:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**1. SECTION 504 MEETING PARTICIPANTS:**

NAME	Title
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**2. DESCRIBE NATURE OF STUDENT’S DISABILTY:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. DESCRIPTION OF MISCONDUCT:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- a. Date of Disciplinary Action: \_\_\_\_\_
- b. Date Parents Notified of Disciplinary Action: \_\_\_\_\_
- c. 504 of Notice of Rights Given? Yes    No

**4. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:**

*(Each item below must be considered. Check box as each topic is addressed.)*

- Teacher Observations of the Student
- Relevant Information Supplied by Parents
- Evaluations and Diagnostic Results
- Student's 504 Plan
- Relevant Information Supplied by School Staff
- Other (describe)

5. Was the misconduct in question caused by the student’s disability, or does the misconduct in question have a **direct and substantial relationship** to the student’s disability?

YES  NO

Comments:

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6. Was the misconduct in question a **direct result** of the District's failure to implement the Section 504 Plan (in relationship to the misconduct in question)?

YES  NO

Comments:

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7. If the answer to **either** #5 or #6 is "Yes", the behavior under review **is** considered a manifestation of the student's disability.

8. If the answer to **both** #5 and #6 is "No", the behavior under review **is not** considered a manifestation of the student's disability.

***Procedure if Misconduct is not a Manifestation of the Student's Disability:***

If the manifestation determination team determines that the misconduct in question is **not** a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

***Procedure if Misconduct is a Manifestation of the Student's Disability:***

If the manifestation determination team determines that the misconduct in question **is** a manifestation of the student's disability, the 504 Team should:

- 1) conduct a functional behavioral assessment unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student;
- or**
- 2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**
- 3) return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

Note: This policy was revised to reflect a number of changes made by Public Act 24 45 to the state's minimum graduation requirements in a variety of areas. Under prior law, a one-credit mastery-based diploma assessment was specifically listed as an optional requirement for high school graduation. The Act re moves reference to the mastery-based diploma assessment in the law regarding minimum Connecticut graduation requirements. However, boards of education still have the discretion to require credits beyond the minimum requirements identified in the law, so bo ards may still require students to complete a masterbased diploma assessment as a local graduation requirement.

In 2023, state law was amended to require students graduating in 2027 and beyond to complete onehalf credit in personal financial management and financial literacy, which could be counted toward the humanities or as an elective credit, in order to graduate. The Act now also permits the personal financial management and financial literacy credit requirement to count towards students' nine scie nce, technology, engineering and mathematics credit requirements.

Also in 2023, the law was amended to require that, beginning with the graduating class of 2025, students meet certain requirements related to the FAFSA in order to graduate. The Act delays these requirements until 2027 and this policy has been updated to reflect this change.

The policy was also revised to reflect statutory updates to the physical education and the optional community service graduation requirements.

Series 5000  
Students

5165

## HIGH SCHOOL GRADUATION REQUIREMENTS

In order to satisfy the high school graduation requirements within the New Milford Public Schools, a student must have satisfactorily completed the prescribed courses of study; demonstrated proficiency in basic skills identified by the New Milford Board of Education (the "Board"); satisfied the legally mandated number and distribution of credits required to graduate from high school; and if graduating in 2027 and thereafter, satisfied the Free Application for Federal Student Aid ("FAFSA") requirements detailed below.

### **Pathways for the NMHS Graduate**

**Two Year College/Career Ready Pathway:** Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. It is recommended that the student take the most personally challenging course load during their high school tenure and integrate work in the field whenever possible (internships, job shadowing, work, etc.)

**Four Year College Pathway:** Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most four-year colleges require that the graduate take four credits in English and math, three credits in science and social studies, and at least two credits in a world language.

**Highly Competitive Colleges Pathway:** Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most highly competitive colleges require that the graduate take four credits in English, math, science and social studies, and at least three credits in a world language. It is also highly encouraged that the level of these courses be at the Advanced Placement level and at the very least honors level when available.

To graduate from the New Milford Public Schools, a student must earn a minimum number of credits, fulfill credit distribution requirements and meet district performance standards.

### Required Coursework and Credits for Graduation

The Board of Education conforms with state law regarding credits for graduation from high school.

### Classes Graduating in 2025, and Thereafter

For classes graduating in 2025, and thereafter, the following 25 credits are required:

#### **Humanities Cluster: 9 Credits**

- No less than 3 credits in English
  - English I, II, III/AP (3 Credits)
- No less than 3 credits in Social Studies
  - Must include 1.0 credit in US History and 0.5 credit in Civics)
  - 1.5 additional credits in Social Studies (See Program of Studies)
- 3 additional credits of student choice (additional English, Social Studies, Level 4 or above in World Language, Art History, History of Jazz, History of American Musical Theater etc.)

#### **STEM Cluster: 9 Credits**

- No less than 3 credits in Science
  - Integrated Science, Biology, Chemistry (3 Credits)
- No less than 3 credits in Math (See Program of Studies)
  - Maximum of 1 credit awarded for successful completion (B-/80) of Geometry taken at the middle school
- 3 additional credits of student choice (additional Science, Math, Tech. Ed., Intro to Business, Computer Literacy, Business Computer Applications, Website Design I&II, Intro to Computer Programming, AP Computer Science A, AP Computer Science Principles etc.)

**Health and Wellness Cluster: 2 Credits**

- 1 credit in Physical Education and Wellness
- 1 credit in Health and Safety Education
  - Must include 0.5 credit in Health 1
  - Additional 0.5 credit of student choice (\*Health 2, Allied Health, Medical Technology, Emergency Medical Technician, Sports Medicine, Early Childhood, Child Development etc.)

**World Language Cluster: 1 Credit**

- 1 credit of any World Language course at New Milford High School
  - 1 credit awarded for successful completion (B-/80) of Part A & Part B of the same World Language course from grades 7 & 8 (Not including Conversational World Language Courses)

**Electives Cluster: 3 Credits**

- 1 credit in Practical or Fine Arts (See Program of Studies)
- 0.5 credit in Personal Finance - Required by state law
- 1.5 additional credits of student choice

**Mastery Based: 1 Credit**

- 0.5 Credit in Assured Skills Experiences
- 0.5 Credit in Assured Content Experiences

**25.0 TOTAL CREDITS**

A student who presents written documentation from a physician, advanced practice registered nurse, or physician assistant, stating participation in physical education is not advisable because of the physical condition of the student, shall be excused from the physical education requirement. In such a case, another subject must be substituted.

Any student who is deaf or hearing impaired may be exempted from any world language graduation requirement if the student's parent or guardian requests such exemption in writing.

Exemptions: modifications and accommodations of graduation requirements will be made for any student with a disability as determined by the planning and placement team or 504 team.

A maximum of two credits (1 credit in Geometry and 1 credit in World Language) may be granted for successful completion of courses taken at the middle school level that align with the high school curriculum.

A credit is defined as not less than the equivalent of a forty (40) minute class period for each school day of a school year except for a credit or part of a credit toward high

school graduation earned (1) at an institution approved by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited, (2) through on-line coursework that is completed satisfactorily in accordance with Board policy, or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.

Only courses taken in grades nine to twelve inclusive, and that are in accordance with the statewide subject matter content standards, adopted by the State Board of Education, shall satisfy the above graduation requirements, except that the Board will grant a student successful completion of courses taken at the middle school level that align with the high school curriculum.

### Demonstration of Proficiency in Basic Skills

In addition to meeting the coursework and credit graduation requirements listed above, to graduate high school, each student must demonstrate proficiency in the basic skills:

Reading, Evidence-Based Writing, Communication, Critical Thinking and Problem Solving

Problem Solving

Students may demonstrate proficiency in the basic skills described above by achieving satisfactory results on:

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the math portion of the PSAT or SAT;

Meet the ACT score for proficiency on the math portion of that test;

Pass a competency-based assessment to demonstrate proficiency in math;

Meet the proficiency standard on a district-developed problem-solving portfolio;

Complete a course internship in a field of study, employment opportunity, or volunteer role that requires the use of Algebra II level math at a minimum;

Provide evidence of proficiency on a nationally recognized math assessment;

Score a 3 or higher on Advanced Placement Calculus AB, Advanced Placement Calculus BC, or Advanced Placement Statistics;

Reading, Communication and Evidence-Based Writing;

Meet the State of Connecticut expectations for 11<sup>th</sup> Grade proficiency on the Evidence Based Reading and Writing portion of the PSAT or SAT;

Meet the ACT score for proficiency on the English, Reading or Writing portion of that test;

Pass a competency-based assessment to demonstrate proficiency in Reading;

Meet the proficiency standard on a district-developed literacy portfolio;

Complete a course internship in a field of study, employment opportunity, or volunteer Role that requires the use of junior year level English;

Provide evidence of proficiency on a nationally recognized Reading or Writing assessment;

For English Language Learners who have lived in Connecticut for fewer than five years, a score of proficiency or above on the State English Mastery exam designed for this population;

The district will offer intervention classes in these basic competencies for students making insufficient progress.

#### FAFSA Requirement for Classes Graduating in 2027 and Thereafter

Students graduating in 2027 and beyond are required to have satisfied one of the following prior to graduation:

- (1) completed a FAFSA
- (2) for students without legal immigration status, completed and submitted to a public institution of higher education an application for institutional financial aid; or
- (3) completed a waiver of completion of the FAFSA and/or financial aid application, as applicable, on a form prescribed by the Commissioner of Education, signed by the student's parent or guardian or signed by the student if the student is eighteen or older.

On and after March 15 of each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student who has not satisfied the above requirements if such principal, school counselor, teacher, or other certified educator affirms that they have made a good faith effort to contact the parent/guardian or student about completion of such applications.

#### Graduation During Period of Expulsion

A student may graduate during an expulsion period if the Board determines that the student has completed the necessary credits required for graduation.

#### Diplomas May be Awarded to Veterans Who Left School to Serve in the Armed Forces

In accordance with state law, the Board of Education may award a high school diploma to a veteran of World War II, the Korean hostilities, or the Vietnam Era who left high school to serve in the armed forces and did not receive a diploma as a consequence of

such service as well as any person who withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, did not receive a diploma as a consequence of such work and has resided in the state for at least fifty consecutive years.

### Early Graduation

Students may finish in seven semesters provided all graduation requirements have been satisfied. Any student interested in being considered for early graduation must notify his/her counselor or his/her intentions by May 1 of the Junior year. Students applying for early graduation must obtain the Early Graduation Policy statement and related application from the School Counseling Office.

### Legal References:

Conn. Gen. Stat. § 10-14n

Conn. Gen. Stat. § 10-16b

Conn. Gen. Stat. § 10-221a

Conn. Gen. Stat. § 10-221z

Conn. Gen. Stat. § 10-223a

Public Act No. 24-45, “An Act Concerning Education Mandate Relief, School Discipline, and Disconnected Youth”

Approved: December 19, 2023  
Revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut