

**Mission Goals Objectives**

**Nondiscrimination**

*Brooklyn Public Schools*

The District shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation, gender identity/expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, marital status or age or because of the race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, genetic information, marital status or age of any other persons with whom the individual associates or status as a Veteran. The District provides equal access to the Boy Scouts and other designated youth groups.

In keeping with requirements of federal and state law, the District strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; in accommodating the public at public meetings; as well as the District website.

The Board encourages staff to improve human relationships within the schools and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The Superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1974, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The Board will adopt and the District will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

(cf. 4000.1 - Title IX)

(cf. 4111 - Recruitment and Selection)

(cf. 4111.1/4211.1 - Affirmative Action)

(cf. 4118.11/4218.11 - Nondiscrimination)

Cf. 4118.112/4218.112 - Sex Discrimination and Sexual Harassment in the Workplace)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5145.4 - Nondiscrimination)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

(cf. 5145.52 - Harassment)

(cf. 5145.6 - Student Grievance Procedure)

(cf. 6121 - Nondiscrimination)

(cf. 6121.1 - Equal Educational Opportunity)

*\* Recommendation: Adopt Policy as is to replace current policy*

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

Title IX Final Rule, May 6, 2020

Age Discrimination in Education Act, 29 U.S.C. §621

Americans with Disabilities Act, 42 U.S.C. §12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

Title II of the Genetic Information Act of 2008

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. Seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

The Vietnam Era Veteran's Readjustment Act of 1974, as amended, 38 U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

Connecticut General Statutes

46a-51 Definitions

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127)

46a-60 Discriminatory employment practices prohibited.

46a-81a Discrimination on basis of sexual orientation: Definition

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

P.A. 17-127, An Act Concerning Discriminatory Practices Against Veterans, leaves of Absence for National Guard Members&tdot;

Public Law 111-256

Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)

Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)

Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020)

**Policy adopted:**

R0521

*Regulations*

**Mission-Goals-Objectives**

**Nondiscrimination**

**Grievance Procedure for Section 504 and Title VII Regulations**

The Board of Education does not knowingly condone discrimination on the basis of an individual's race, color, religion, sex, sexual orientation, gender identity/expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, marital status or age or because of the race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, genetic information, marital status, status as a Veteran or age of any other persons with whom the individual associates in admission or access to, or treatment, or employment in its programs or activities.

Inquiries regarding compliance, including receipt and investigation of any complaint alleging non-compliance may be directed to the Superintendent of Schools, or in the Superintendent's absence, the Supervisor of Special Services.

## **Definitions**

A "grievance" is a complaint by an employee, or group of employees, or a student or group of students based upon an alleged violation of the provisions of Section 504, or Title VII.

The term "employee" is considered to apply to any employee of the Nutmeg Board of Education. The term "student" is considered to apply to any student enrolled in the Nutmeg Public Schools. The term "teacher" is considered to apply to any teacher employed by the Nutmeg Board of Education. The "teacher", "employee", or "student" may include a group of teachers or a group of employees or a group of students who are similarly affected by a grievance.

An "aggrieved person" is the person or persons making the claim.

The term "days", when used in this article, shall, except when otherwise indicated, mean working days.

## **Purpose**

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may arise under the provisions of Section 504, or Title VII.

The parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure.

Nothing herein contained shall be construed as limiting the right of the complainant having a problem to discuss the matter informally with any appropriate member of the administration.

Any complainant shall have the right at any time to present any grievance to such persons and through such channels as are designated for that purpose in this article.

## **Time Limits**

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as a maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing.

If a complainant does not file a grievance in writing as provided herein within 30 days after the aggrieved person knew or should have known of the act or condition on which the grievance is based, then the grievance shall be considered waived.

## **Informal Procedure**

Any student, employee or applicant to a program who feels that he/she has been discriminated against on the basis of race, color, national origin, sex, sexual orientation or handicap shall contact the building Principal/supervisor within 30 days of the alleged occurrence to discuss the nature of the complaint.

The Principal/supervisor shall maintain a written record which shall contain the following:

1. Full name and address of complainant.
2. Full name and position of person(s) who allegedly discriminated against the complainant.
3. A concise statement of the facts constituting the alleged discrimination.
4. Dates of the alleged discrimination.

At the time the alleged discrimination complaint is filed, Principal/supervisor shall review and explain the grievance procedures with the complainant and answer any questions. An investigation of the complaint shall begin as soon as practical, but in no case, more than ten (10) working days from the time the complaint was received. Within this time limit, the Principal/supervisor shall meet informally with the complainant and the individual(s) against whom the complaint was lodged and shall provide confidential counseling where advisable and shall finally seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

If the complainant is not satisfied with these initial informal procedures, within twenty (20) school days from the date of the original discussion with the principal/supervisor, more formal procedures may be initiated by the complainant to further explore and resolve the problem.

## **Formal Procedure**

### **1. Level One - School Principal**

If a complainant is not satisfied with the disposition of the problem through informal procedures, he/she may submit his/her claim as a formal grievance in writing to the Principal.

The Principal shall within five (5) days render a decision and the reasons therefore in writing to the complainant, with a copy to the Superintendent of Schools.

### **2. Level Two - Superintendent of Schools**

If the complainant is not satisfied with the disposition of his/her grievance at Level One, or if no decision has been rendered within five (5) days after presentation of the grievance in writing, the complainant may file a written appeal for a hearing by the Superintendent of Schools within five (5) days.

The Superintendent of Schools shall represent the administration at Level Two of the grievance procedure. Within ten (10) days after receipt of the written appeal for a hearing by the Superintendent, the Superintendent shall meet with the complainant for the purpose of resolving the grievance. A full record of such hearing shall be kept by the Superintendent. The Superintendent shall within three (3) days of the hearing render the decision and the reasons therefore in writing to the complainant.

### **3. Level Three - Board of Education**

If the complainant is not satisfied with the disposition of the grievance at Level Two, or if no decision has been rendered within three (3) days after first meeting with the Superintendent, the person may file the grievance again with the Board of Education within five (5) days.

Within fifteen (15) days after receiving the written appeal, the Board shall meet with the complainant for the purpose of resolving the grievance. The decision of the Board shall be rendered in writing within three (3) days.

### **General Provisions**

Decisions rendered at all levels of the formal grievance shall be in writing setting forth the decision and the reasons therefore.

All documents, communications and records dealing with the processing of a grievance shall be filed separately from the existing files of the participants.

Any person may also file a complaint of illegal discrimination with the Office for Civil Rights, Washington, D.C., at the same time he/she files the grievance during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office for Civil Rights, it must be filed in writing no later than 180 days after the occurrence of the possible discrimination.

The \_\_\_\_\_ is the Title VII, and Section 504 Coordinator and may be contacted at \_\_\_\_\_.

**Regulation approved:**



*A sample policy to consider.*

*\* Recommend - Accept/replace  
current Policy*

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

### **Nondiscrimination**

*Brooklyn*  
It is the intent of the Board of Education to provide a fair employment setting for all persons and to comply with state and federal law. The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religion, age, veteran status, genetic information, marital status, national origin, sex, sexual orientation, gender identity or expression, ancestry, present or past history of mental disorder, or disability (including pregnancy), except in the case of a bonafide occupational qualification.

“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.

The District shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment.

The District shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The District shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the District.

Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the District’s ADA/Section 504 Coordinator. The District’s coordinator is \_\_\_\_\_ . *Heather Tamsen and Paula Graef.*

- (cf. 0521 – Nondiscrimination)
- (cf. 4000.1/5145.44 – Title IX)
- (cf. 4111 – Recruitment and Selection)
- (cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)
- (cf. 4118.14/4218.14 – Disabilities)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)



## Personnel - Certified/Non-Certified

### Nondiscrimination

Legal Reference: Connecticut General Statutes  
4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities  
4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation  
10-15c Discrimination in public schools prohibited. School attendance by five-year olds (as amended by PA 21-2 §441.)  
10-153 Discrimination on account of marital status  
Connecticut Fair Employment Practices Act, C.G.S. §469-60  
46a-51 Definitions (as amended by PA 17-127 and PA 21-2)  
46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127)  
46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127)  
46a-81a Discrimination on the basis of sexual orientation; Definitions  
P.A. 11-55 An Act Concerning Discrimination  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. seq.  
Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.  
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et. seq.  
Title IX Final Rule, May 6, 2020  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212  
Title II of the Genetic Information Nondiscrimination Act of 2008  
42 U.S.C. §2000ff; 29CFR1635.1 et. seq.  
Age Discrimination in Employment Act, 29 U.S.C. §621  
Americans with Disabilities Act, 42 U.S.C. §12101  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

### Policy adopted:

rev 7/11  
rev 9/11  
rev 1/17  
rev 7/17  
rev 6/20  
rev 7/21

*Sample to consider. (State statute requires boards of education to adopt and implement policies and procedures to encourage parent-teacher communication.)*

## Community Relations

### Communications with the Public

#### Parent Involvement

Considerable experience and related evidence indicates that meaningful involvement of parents, guardians, and other care-givers in the schooling of children improves the quality of education significantly. The Board of Education believes that closer connections of parents and others responsible for the home care of the children with our schools can result in enhanced academic performance, improved behavior, and reduced absenteeism.

Therefore, all parents, guardians, and care-givers of students enrolled in our school district are encouraged to take an active role in the education of their children.

Further, the Board of Education believes that the professional staff must take whatever steps are necessary to facilitate a broad variety of opportunities for parents to connect frequently with the schools in which their children are enrolled, and with the overall system. These steps should include the following:

- Parenting skills should be promoted and supported.
- Communication between home and school should be regular, two-way and meaningful. (Such communication may include monthly newsletters, electronic communications, required regular contact with all parents, two required flexible parent-teacher conferences for each school year ~~[required beginning July 1, 2010]~~, and drop in hours for parents, home visits and use of technology, including but not limited to, homework hotlines.
- Parents should play an integral role in assisting student learning.
- Parents should be welcome in every school and their support and assistance sought.
- Parent input should be sought regarding decisions that affect children and families.
- Community resources should be made available to strengthen school programs, family practices and student learning.
- The two required parent-teacher conferences per year, beginning July 1, 2021 and each school year thereafter, can be fulfilled by the District offering parents the option of attending any parent-teacher conference by the use of telephonic, video, or other conferencing platforms.
- An additional parent-teacher conference, in addition to the two required conferences shall be conducted during periods when the District provides remote learning for more than three consecutive weeks and one additional parent-teacher conference every six months thereafter for the duration of such period of remote learning.

## Community Relations

### Communications with the Public

#### Parent Involvement (continued)

The District will request from the parent/guardian of each student the name and contact information of an emergency contact person who may be contacted if the student's parent/guardian cannot be reached to schedule a parent-teacher conference required when the District is providing remote learning for a period of three consecutive weeks or more.

In situations in which the teacher is unable to contact a student's parent/guardian after three attempts to schedule the required parent-teacher conference during a period of remote learning provided by the District for three consecutive weeks or more, such teacher is directed to report such inability to the principal, school counselor, or other school administrator designated by the Board of Education. Such principal, counselor, or administrator is to contact the student's emergency contact to determine the student and family's health and safety.

The Board shall utilize the document developed by the State Department of Education (by 12/1/21) that provides information concerning educational, safety, mental health and food insecurity resources and programs available to students and their families.

The Superintendent will report annually to the Board of Education on parent involvement activities.

Legal Reference: Connecticut General Statutes

10-221(f) Boards of Education to prescribe rule(s), policies, and procedures as amended by PA 97-290, P.A. 10-111, ~~An Act Concerning Education Reform in Connecticut~~ and P.A. 21-46, An Act Concerning Social Equity and the Health, Safety, and Education of Children.

*\*Recommend: Adopt new/replace current policy*

Policy adopted:

rev 7/10  
rev 7/21



Sample policy to consider, with several options to consider.

**Business/Non-Instructional Operations**

**Food Service**

**Charging Policy**

\* Recommendation: Adopt/replace policy. Include alternate lang. in Box 1, do not include Box 2.  
\* Remove section on secondary students

The goal of the food service program is to provide students with nutritious and healthy foods, through the District's food services program, that will enhance learning. The school nutrition program is an essential part of the education system and by providing good-tasting, nutritious meals in pleasant surroundings; we are helping to teach students the value of good nutrition.

Box 1

**Alternate language to consider:** *Connecticut's School Child Nutrition Programs consists of the National School Lunch, School Breakfast, Special Milk, After School Snack and Fresh Fruit and Vegetable Programs. It is a local decision as to in which programs the District selects to participate. These programs are federally funded and are administered by the United States Department of Agriculture's Food and Nutrition Service. At the State level, the School Child Nutrition Programs are administered by the Connecticut State Department of Education, which operates the program through agreements with the local school food authorities.*

OK

*The school nutrition program is an extension of the school's educational programs and it is the District's vision to have a partnership among students, staff, school family and the community in offering access to and providing nutritious meals, which are attractively presented at an affordable price.*

The Board of Education (Board) has an agreement with the Connecticut State Department of Education to participate in one or more school Child Nutrition Programs and accepts full responsibility for adhering to the federal and state guidelines and regulations pertaining to these school Child Nutrition Programs. The Board also accepts full responsibility for providing free or reduced price meals to eligible elementary and secondary students enrolled in the District's schools. Applicants for such meals are responsible to pay for meals until the application for the free or reduced price meals is completed and approved. All applications for free and reduced price lunch and any related information will be considered strictly confidential and not to be shared outside of the District's food services program. Meals are planned to meet the specified nutrient standards outlined by the United States Department of Agriculture for children based on their age or grade group.

Box 2

**Note:** *At the discretion of the school food authority, schools participating in the National School Lunch Program and School Breakfast Program may offer meals at no cost to children who would otherwise qualify for reduced price benefits. This is a strategy to consider to prevent children eligible for reduced price meals from accruing unpaid meal charges.*

NA - don't include

Although not required by law, because of the District's participation in the Child Nutrition Programs, the Board approves the establishment of a system to allow a student to charge a meal.

The Board realizes that funds from the non-profit school food service account, according to federal regulations, cannot be used to cover the cost of charged meals that have not been paid.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy (continued)

Moreover, federal funds are intended to subsidize the meals of children and may not be used to subsidize meals for adults (teachers, staff and visitors). Adults are not allowed to charge meals and shall pay for such meals at the time of service or through pre-paid accounts.

~~Charging is not encouraged by the District but on those occasions that a student does not have money, they will be offered an alternate meal. Examples of alternate meals include, but are not limited to, the following: (The District should decide which alternate choices will be offered and include the appropriate choices as part of this text.)~~

- ~~• A peanut butter and jelly sandwich and milk;~~
- ~~• A tuna salad sandwich and milk;~~
- ~~• A cheese sandwich and milk; or~~
- ~~• Cereal and milk.~~

~~The cost of providing this alternate meal cannot be incurred by the school food service account and the charge for this alternate meal will be \$ \_\_\_\_\_.~~

The Board prohibits the public identification or shaming of a child/student for any unpaid charges, including, but not limited to, the following:

- Delaying or refusing to serve a meal to such student,
- Designating a specific meal option for such student or otherwise taking any disciplinary action against such student.

A student needing to charge a meal will be informed of his/her right to purchase a meal, which may exclude a la carte items, for any school breakfast, lunch or other feeding.

In order to sustain the District's food services program, the District cannot permit the excessive charging of student meals. Therefore, any charging of meals must be consistent with this policy and any accompanying regulations. The Superintendent or his/her designee shall develop regulations designed to effectively and respectfully address family responsibility for unpaid meals.

Any parent/guardian who anticipates a problem with paying for meals is encouraged to contact the Food Services Manager/Director and/or the applicable school Principal for assistance. The Board encourages all families who may have a child eligible for free or reduced price lunch to apply.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy (continued)

#### Definitions

~~“Alternate Meals” are not clearly defined in federal and state regulations. The use of alternate meals refers to any meal served to a student that is different from the day’s advertised reimbursable meal. Alternate meals are most often provided to those students who have forgotten their meal payment(s) or medium of exchange.~~

“**Delinquent Debt**” are unpaid meal charges, like any other money owed to the nonprofit school food service account when payment is overdue, as defined by state or local policies.

“**Bad Debt**” are when unpaid meal charges are not collected and are considered a loss. Such debt must be written off as an operating loss, which cannot be absorbed by the nonprofit school food service account, but must be restored using nonfederal funds.

#### Elementary Students (*Options to consider/choose*)

1. The District shall maintain a “no charging policy.” The charge/no charge policy will be strictly enforced to eliminate unnecessary debt within the School Food Service Program.
2. The District uses Payschools / Nutrakids, an automated prepayment system, which allows parents/guardians to view their child’s meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child’s school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to an ~~negative balance of \$6.00. When the charge limit is reached, an alternate meal will be provided consisting of one or more of the alternate meal examples mentioned above until the charges are paid in full. This meal will not be charged to the student’s meal account. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.)~~ amount not to exceed the cost of thirty (30) meals. Negative balance status can be avoided by making a payment in the form of cash, check, or by credit card to the BPS website.
3. Students shall be allowed up to ~~three (3)~~ thirty (30) reimbursable meal charges. ~~(District can consider a different number).~~ All other a-la-carte items shall not be charged. After ~~three~~ thirty charges, ~~an alternative meal shall be provided~~ the parents/guardians of such child will be referred to the District’s homeless education liaison. The alternate meal shall consist of one or more of the examples listed above. When a charge is occurred, a written notification shall be sent home to parents. All credited meals must be repaid.

Communications with parents/guardians regarding collection of a child’s unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services’ supplemental nutrition assistance



program and a link to the District's website that lists any community services available to town/city residents.

## Business/Non-Instructional Operations

### Food Service

### Charging Policy

#### Elementary Students (*Options to consider/choose*) (continued)

4. No elementary or middle school student shall be deprived a reimbursable meal due to forgotten or lost meal money. The school Principal will be responsible for maintaining a fund of money to loan to students without meal money. The pool of money may be established from school or PTA/PTO funds. The Principal or his/her designee is responsible for collecting money that has been loaned to students. Students will be responsible for repaying all loaned money within an established timeframe. A note shall be given to the student to take home or mailed to the student's home to inform parents of the loan obligation. In situations in which a student is consistently without meal money, the Principal or his/her designee should encourage the parent/guardian to apply for free or reduced price meals.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

The Board will accept gifts, donations, or grants from any public or private sources for the purpose of paying off any unpaid charges for school meals.

5. The District strongly discourages meal charges, but understands that an occasional emergency makes it necessary at the elementary level. The District/school policy is as follows:
- a. All charges must be paid in 10 days.
  - b. Students may not charge more than \$ 30 reimbursable meals.
  - ~~c. After the fifth meal, the school will provide an alternate meal consisting of one or more of the choices listed above.~~
  - c. Parents will be notified and asked for prompt payment after \$ 30 charges.
  - d. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

## Business/Non-Instructional Operations

### Food Service

#### Charging Policy

##### Elementary Students (*Options to consider/choose*) (continued)

- Students shall be allowed to charge up to ~~five~~ thirty meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. ~~After charging four meals, the parents shall receive written notification that the child will then be given an alternate meal consisting of one or more of the choices listed above.~~ If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

##### Secondary Students (*Options to consider/choose*)

- A student shall not be allowed to purchase any reimbursable meal on credit. ~~An alternate meal will be provided, consisting of one or more of the alternate choices mentioned earlier. The cost of this meal cannot come out of the school food service account.~~ N/A
- The District uses \_\_\_\_\_, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$6.00. No snacks or a-la-carte items may be charged. ~~When the charge limit is reached, an alternate meal will be provided consisting of one or more choices listed above until the charges are paid in full. This alternate meal will not be charged to the student's account. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.)~~ If a student with a negative balance attempts to purchase a-la-carte items with cash, the money must first be applied to the negative balance.
- Students may charge up to \_\_\_\_\_ meals at the middle school level and 2 meals at the high school level. ~~Once the charge limit has been met, a modified meal consisting of a cheese sandwich and beverage will be offered. (A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.)~~



## **Business/Non-Instructional Operations**

### **Food Service**

#### **Charging Policy**

##### **Secondary Students (*Options to consider/choose*) (continued)**

4. Students shall be allowed to charge up to two meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification. ~~that the child will then be given an alternate meal consisting of one or more of the alternate choices listed above~~ If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application.

#### **NO CHANGES TO REST OF POLICY.**

Modification to legal reference:

10-215 Lunches, breakfasts and other feeding programs for public school children and employees. (as amended by PA 21-46)

CABE's revised sample policy.

OR 5113.2

## Students

### Attendance/Excuses/Dismissal

Recommendations -

Approve policy

(Note: there is a new category of mental health days (2) excused)

### Attendance

Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until ages six or seven. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age seventeen.

A student is considered to be "in attendance" if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent. A student not meeting the definition of "in attendance" shall be considered absent.

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

### Definitions (related to chronic absenteeism)

**Chronically absent child:** An enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**Absence:** An excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. 10-198b.

**District chronic absenteeism rate:** The total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**School chronic absenteeism rate:** The total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

**Students**

**Attendance/Excuses/Dismissal**

**Excuses (continued)**

*Do not include*

**Note:** *The use of the state approved definitions of “excused” and “unexcused” absences are for state purposes for the reporting of truancy. Districts are not precluded from using separate definitions of such absences for their internal uses such as involving decisions on areas such as promotion and grading.*

A student’s absence from school shall be considered “excused” if written documentation of the reason for such absence has been submitted within ten (10) school days of the student’s return to school and meets the following criteria:

- A. For absences one through nine, a student’s absences from school are considered “excused” when the student’s parent/guardian approves such absence and submits appropriate documentation to school officials.
- B. A student’s engagement in remote classes, remote meetings, activities on time-logged electronic systems, and completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning is excluded from the definitions of “excused absence” and “unexcused absence.”
- C. Absence resulting from a student enrolled in grades K-12, taking two mental health days during the school year. Such absence is to permit the student to attend to his/her emotional and psychological well-being in lieu of attending school.

The student shall not be required to present documentation or parental/guardian consent. For purposes of school year limitation, such absence shall be identified as a “mental health wellness day.”

A student cannot take these mental health days during consecutive school days.

*Include Info*

Such documentation includes a signed note from the student’s parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. Documentation should explain the nature of and the reason for the absence as well as the length of the absence. Separate documentation must be submitted for each incidence of absenteeism.

- D. For the tenth absence and all absences thereafter, a student’s absences from school are considered excused for the following reasons:
  - 1. Student illness (must be verified by a licensed medical professional to be deemed excused, regardless of the length of the absence);
  - 2. Student’s observance of a religious holiday;



## Students

### Attendance/Excuses/Dismissal

#### Excuses (continued)

3. Death in the student's family or other emergency beyond the control of the student's family;
  4. Mandated court appearances (documentation required);
  5. The lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation required);
  6. Extraordinary educational opportunities pre-approved by District administration and to be in accordance with Connecticut State Department of Education guidance.
- E. A student's absence from school shall be considered unexcused unless:
1. The absence meets the definition of an excused absence and meets the documentation requirements; or
  2. The absence meets the definition of a disciplinary absence, which is the result of school or District disciplinary action and are excluded from these State Board of Education approved definitions.

When the school in which a child is enrolled receives no notification from a parent or other person having control of the child is aware of the child's absence, a reasonable effort shall be made by school personnel or volunteers under the direction of school personnel to notify by telephone and by mail such parent or other person having control of the child.

Responsibility for completion of missed classwork lies with the student, not the teacher. Unless a student has an extended illness, all make-up work will be complete within five days after the student returns to school.

#### Excused Absences for Children of Service Members

An enrolled student, age five to eighteen, inclusive, whose parent or legal guardian is an active duty member of the armed forces, as defined in section 27-103, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the Board of Education, additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of such excused absences such child and parent or legal guardian shall be responsible to obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

## Students

### Attendance/Excuses/Dismissal

#### Excuses (continued)

#### Chronic Absenteeism

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A team for the District must be established when the District chronic absenteeism rate is 10 percent or higher.
2. A team for the school must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

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

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and student with disabilities.

The District shall annually include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. *(An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)*

## Students

### Attendance/Excuses/Dismissal

#### Chronic Absenteeism (continued)

#### Dismissal

No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

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

No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.

(cf. 5142 - Student Safety)

(cf. 5113.2 - Truancy)

(cf. 6113 - Released Time)

#### Legal Reference

#### Connecticut General Statutes

10-220(c) Duties of boards of education (as amended by PA 15-225)

10-184 Duties of parents (as amended by PA 98-243, PA 00-157 and PA 18-15)

10-185 Penalty

10-198a Policies and procedures concerning truants (as amended by PA11-136, An Act Concerning Minor Revisions to the Education Statutes and PA 14-198, An Act Concerning Excused Absences from School for Children of Service Members, and PA 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee)

10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absence" (as amended by PA 21-46, Section 19)

10-198c Attendance review teams.

10-198d Chronic absenteeism (as amended by PA 17-14 and PA 18-182)

45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)

10-199 through 10-202 Attendance, truancy - in general.

## Students

### Attendance/Excuses/Dismissal (continued)

Legal Reference      Connecticut General Statutes (continued)

*Action taken by State Board of Education on January 2, 2008, to define "attendance."*

*Action taken by State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.*

PA 17-14 An Act Implementing the Recommendations of the Department of Education

PA 21-46 An Act Concerning Social Equity and the Health, Safety and Education of Children

### Policy adopted:

rev 7/15  
rev 11/16  
rev 7/17  
rev 7/18  
rev 7/21



OR ~~5113~~

*A sample policy to consider.*

\*Prefer 5113

## Students

### Truancy (Version #1)

#### Introduction and Definitions

The District's policy on student truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted. For purposes of implementing this policy and for reporting purposes regarding truancy, the District will utilize the State Board of Education approved definitions of "excused," "unexcused," and "disciplinary" absences.

**"Truant"** shall mean a student age five to eighteen, inclusive, who has four unexcused absences in any one month, or ten unexcused absences in one school year.

**"In attendance"** shall mean a student if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent.

**"Chronically absent child"** is an enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**"Absence"** means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. 10-198b.

**"Mental health wellness day"** means a school day during which a student attends to his/her emotional and psychological well-being in lieu of attending school. Such days must be nonconsecutive.

**"District chronic absenteeism rate"** means the total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**"School chronic absenteeism rate"** means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

#### Remediation of Truancy

School personnel shall seek cooperation from parents or other persons having control of such child and assist them in remedying and preventing truancy. The Superintendent of Schools shall develop regulations which will detail the following school district obligations under the district's truancy policy.

## Students

### Truancy

#### Remediation of Truancy (continued)

1. Notify parents annually of their obligations under the attendance policy.
2. Obtain telephone numbers for emergency record cards or other means of contacting parents or other persons having control of the child during the school day.
3. Establish a system to monitor student attendance.
4. Make a reasonable effort by telephone and by mail to notify parents or other persons having control of the child, enrolled in grades one through eight, inclusive, when a child does not arrive at school and there has been no previously approval or other indication which indicates parents are aware of the absence. *(Note: Persons who in good faith give or fail to give notice pursuant to this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have immunity with respect to any judicial proceeding which results from such notice or failure to give notice.)*
5. Identify a student as “truant” when the student accumulates four unexcused absences in any month or ten in a school year.
6. Identify a student as “chronically absent” when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
7. Appropriate school staff meet with parents of a child identified as truant or chronically absent to review and evaluate the situation, within ten days of such designation. Such meeting may involve the school or District Attendance Team.

Students so identified may be subject to:

- (a) retention in the same grade to acquire necessary skills for promotion or retention.
  - (b) a requirement to complete a summer school program successfully before being promoted to the next grade.
8. When a petition is filed, an educational evaluation of the truant student shall be done by appropriate school personnel if no such evaluation has been performed within the preceding year.

## Students

### Truancy (continued)

#### Remediation of Truancy (continued)

9. Provide coordination of services and refer “truants” to community agencies which provide child and family services.
10. If in existence, refer the child to the children’s probate court truancy clinic.

The Board, ~~on or before 8/15/18,~~ shall implement a truancy intervention model identified by the Connecticut State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as identified by the Commissioner of Education. The intervention models must also address the needs of students with disabilities. Parents or other persons having control of each child shall be notified of such truancy model. ~~(Note: The SDE is required to identify these effective truancy intervention models by 8/15/18.)~~

#### Chronic Absenteeism

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the District’s chronic absenteeism rate is 10 percent or higher.
2. A school team must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children 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.

## Students

### Truancy

#### Chronic Absenteeism (continued)

In the calculation of the District's chronic absenteeism rate and the school chronic absenteeism rate, a student's engagement, in grades 9-12, in remote virtual learning shall be excluded if such engagement accounts for not less than one-half of the school day. In addition, the calculation of chronic absenteeism rates shall exclude absence resulting from a student taking a mental health day pursuant to P.A. 21-46.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is no English, and student with disabilities.

The District shall annually include in information for the strategic school profile report for each school and the District that submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

(cf. 5113 – Attendance)

Legal Reference: Connecticut General Statutes

10-184 Duties of parents. (as amended by PA 98-243, PA 00-157 and PA 18-15)

10-198a Policies and procedures concerning truants (as amended by PA 00-157, PA 11-136 and PA 16-147)

10-198b State Board of Education to define "excused absence", "unexcused absence", and "disciplinary absences" (as amended by PA 21-46)

10-198c Attendance review teams (as amended by PA 17-14)

10-198d Chronic absenteeism (as amended by PA 18-182)

10-198e Identification of truancy identification models (as amended by PA 18-182)



## Students

### Truancy

Legal Reference: Connecticut General Statutes (continued)  
10-199 through 10202 Attendance, truancy in general. (Revised, 1995, PA 95-304)  
45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)  
10-220(c) Duties of boards of education (as amended by PA 15-225)  
10-202e-f Policy on dropout prevention and grant program.  
10-221(b) Board of education to prescribe rules  
*Campbell v New Milford*, 193 Conn 93 (1984).  
*Action taken by the State Board of Education on January 2, 2008, to define "attendance."*  
*Action taken by the State Board of Education on June 27, 2012, to define "excused and "unexcused" absences.*

Policy adopted:  
rev 6/18  
rev 7/18  
rev 7/21

*Recommended policy to consider.*

*Recommend: Approve/Replace policy as written*

## **Instruction**

### **Individualized Education Program/Special Education Program**

*View*  
Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a “special education planning and placement team” (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22<sup>nd</sup> birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

*C*  
A parent of a child, the State Department of Education, other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations, using a variety of assessment tools and measures to gather relevant functional, developmental and academic information, must be completed within 60 calendar days of the receipt of written parental consent, for the initial evaluation; or implement the student’s IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45 school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student’s IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

### **Planning and Placement Team or Individualized Education Program Team**

The term “individualized education program team” or “IEP Team” means a group of individuals composed of –

- C*
- (i) the parents of a child with a disability

## Instruction

### Individualized Education Program/Special Education Program (IEP)

#### Planning and Placement Team or Individualized Education Program Team (continued)

- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

**Note:** An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

## **Instruction**

### **Individualized Education Program/Special Education Program (IEP) (continued)**

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment on the basis of such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to-three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets.

The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.



## Instruction

### Individualized Education Program/Special Education Program (IEP) (continued)

- (a) **General.** The IEP for each child must include –
- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including –
    - (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
    - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
  - (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to –
    - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
    - (ii) Meeting each of the child's other educational needs that result from the child's disability; and
    - (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

#### *Alternate Assessments*

- (iv) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child –

## Instruction

### Individualized Education Program/Special Education Program (continued)

- (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.
- (4) A school must offer an IEP that is “reasonable calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The child’s educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child’s:
- Previous rate or academic growth,
  - Progress towards achieving or exceeding grade-level proficiency,
  - Behaviors, if any, interfering with the child’s progress, and
  - Parent’s input and any additional information provided by such parents.
- The U.S. Supreme Court, in the *Endrew F* decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)
- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
  - (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
  - (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
  - (8) A statement of
    - (i) How the child’s progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

## Instruction

### Individualized Education Program/Special Education Program (continued)

- (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of
  - (A) Their child's progress toward the annual goals; and
  - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

**Note:** In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum ("the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.")

(b) *Transition services.*

- (1) The IEP must include
  - (i) For each student beginning not later than the first IEP to be in effect when the child is ~~sixteen~~, fourteen and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.
  - ~~(ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals;~~
  - ~~(iii) For each student, who is at least fourteen years of age, and diagnosed with autism spectrum disorder, beginning not later than the date on which the first IEP takes effect, a statement of transition service needs which shall include appropriate transition assessments related to training, education, employment and where appropriate, independent living skills. In addition, the statement of transition needs shall include the transition services, including courses of study, needed to assist a child in reaching those goals. Such IEP shall be updated annually.~~

## Instruction

### Individualized Education Program/Special Education Program (continued)

- (ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m).
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;
  - (i) the child's primary language or mode of communication;
  - (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
  - (iii) educational options available to the child;
  - (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
  - (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
  - (vi) Assistive devices and services for the child;
  - (vii) Communication and physical environment accommodations for the child; and
  - (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.



## **Instruction**

### **Individualized Education Program/Special Education Program**

#### **Transfers**

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

#### **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes  
 10-76a Definitions (as amended by PA 06-18)  
 10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)  
 10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277, PA 19-49 and PA 21-46 and PA 21-144)  
 10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)  
 10-76g State aid for special education.  
 10-76h Special education hearing and review procedure.  
 10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

## Instruction

### Individualized Education Program/Special Education Program

Legal Reference: Connecticut General Statutes  
10-76q Special education at technical education and career schools (as amended by PA 21-144).  
PA 06-18 An Act Concerning Special Education  
PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education  
SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018  
State Board of Education Regulations  
34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.  
300.14 Special education definitions.  
300.340-349 Individualized education programs.  
300.503 Independent educational assessment.  
300.533 Placement procedures.  
300.550-556 Least restrictive environment.  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004  
*Rowley v. Board of Education*, 485 U.S.-176 (1982)  
*Andrew F. v. Douglas County School District RE-1*, 15-827 U.S. (2017)  
*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)  
*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)  
*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

Policy adopted:

rev 7/19  
rev 9/20  
rev 7/21

*An excerpt of this policy with necessary modifications.*

## Students

### Hazing

### Bullying

### Safe School Climate Specialist (continued)

### Safe School Climate Committee

For the school year commencing July 1, 2012, and each school year thereafter, the Principal of each District school shall establish a new committee or designate at least one existing committee that is responsible for developing and fostering a safe school climate and addressing issues related to bullying in the school. The committee must include at least one parent/guardian of a student enrolled in the school, appointed by the Principal.

Beginning July 1, 2021 and each school year thereafter, such committee shall also include: (a) school personnel, including, but not limited to, at least one teacher selected by the exclusive bargaining unit representative for certified employees, (b) medical and mental health personnel assigned to such school, and ~~(c) at the high school level at least one student enrolled at the school. The student is to be selected by the students in a manner determined by the school Principal.~~

*Recommendation: Update current policy with excerpt below.*

### The Safe School Climate Committee shall:

1. Receive copies of completed reports following investigations of bullying and teen dating violence;
2. Identify and address patterns of bullying and teen dating violence among students in the school;
3. Implement the provisions of the school security and safety plan, (developed pursuant to Section 87 of PA 13-3) regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying or teen dating violence (defined in Connecticut General Statutes 10-222d) and report such information, as necessary, to the District Safe School Climate Coordinator and to the school's security and safety committee;
4. Review and amend school policies relating to bullying and teen dating violence;
5. Review and make recommendation to the District Safe School Climate Coordinator regarding the District's Safe Climate Plan based on issues and experiences specific to the school;
6. Educate students, school employees and parents and guardians of students on issues relating to bullying and teen dating violence;



*An excerpt of this policy with necessary modifications (continued)*

**Students**

**Hazing**

**Bullying**

**Safe School Climate Committee (continued)**

7. Collaborate with the District Safe School Climate Coordinator in the collection of data regarding bullying and teen dating violence; and
8. Perform any other duties as determined by the School Principal that are related to the prevention, identification and response to school bullying and teen dating violence for the school.

Parent and student members of the Safe School Climate Committee are excluded from activities #1 and #3 or any other activity that may compromise the confidentiality of a student.

**Change to Legal Reference:**

10-222K District safe school climate coordinator. Safe school climate specialist. Safe school climate committee (as amended by PA 21-95, Section 14.)