

BOARD OF EDUCATION
FAIRFIELD PUBLIC SCHOOLS
FAIRFIELD, CT

Policy Committee Meeting

AGENDA

Monday, April 18, 2016

4:30 p.m.

501 Kings Highway East
Superintendent's Conference Room

- I. Call to Order
- II. Approval of March 28, 2016 Meeting Minutes
- III. Policy
 - ♦ Policy 5131.7 Students – Weapons and Dangerous Instruments
Mandated Policy Recommended by CABE
Continued Discussion
 - ♦ Policy 5114 Students – Suspension and Expulsion/Due Process
Continued Discussion
 - ♦ Policy 5144.4 Students – Discipline, Physical Exercise and Discipline of Students, **Mandated**
Policy Recommended by CABE
Continued Discussion
 - ♦ Policy 5519 Students – Wellness
 - ♦ Policy 5145.511 Students – Exploitation, Sexual Abuse Prevention and Education Program,
Mandated Policy Recommended by CABE
*Included with the policy is a document entitled "Sexual Abuse Prevention and Education
Program (Erin's Law) to provide background information for legislation and policy.*
- IV. Open Discussion/Public Comment
- V. Adjournment
- VI. Future Items

Future Mtg. Dates and Times: *All meetings will be on Mondays, starting at 4:30 unless otherwise noted; May 2, May 9, May 23, June 13, August 29, September 12, September 26, October 10, November 7, December 5, 2016.*

All meetings will be held at 501 Kings Highway East, Superintendent's Conference Room unless otherwise noted.

BOARD OF EDUCATION
FAIRFIELD PUBLIC SCHOOLS
FAIRFIELD, CT

Policy Committee Minutes

Monday, March 28, 2016

4:30 p.m.

501 Kings Highway East
Superintendent's Conference Room

1. Call to Order. Mrs. Maxon-Kennelly called the meeting to order with Mr. Calabrese and Ms. Karnal in attendance. Mr. Cummings attended on behalf of the administration.
2. Approval of March 7, 2015 Meeting Minutes. Approved 3-0
3. Policy
 - ♦ *Policy 5131.7 Students – Weapons and Dangerous Instruments*
The committee questioned whether definitions should match those in Policy 5114.
 - ♦ *Policy 5114 Students – Suspension and Expulsion/Due Process*
The committee had two changes for the policy:
 1. Page 9 of the meeting packet, second paragraph under J, first line, "serviced" should be "served." Also in that paragraph, the bold line would be stricken.
 2. Page 14 of the meeting packet, paragraph C, "administrative" should be "administration."
 3. Questions on expunging student discipline records in transition years, 5 to 6 and 8 to 9.
 - ♦ *Policy #5144.4 Students – Discipline, Physical Exercise and Discipline of Students*
 1. Request that Policy 5519 be on the agenda so that redundant language can be stricken. Mentioned that this policy was collaborated on with the District Wellness Committee.
4. Meeting Adjourned

A mandated policy.

Students

Weapons and Dangerous Instruments

The Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

A **“firearm”** as defined in 18 U.S.C. §921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a “destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ¼” in diameter. The term “destructive device” also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A “destructive device” does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

A **“martial arts weapon”** means means a nunchalcu, kama, kasari-fundo, octagon sal, tonfa or chinese star.

A **“deadly weapon”** means any weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.

A **“dangerous instrument”** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious injury and includes a vehicle.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

Students

Weapons and Dangerous Instruments (continued)

A “**destructive device**” is considered any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Hearing Officer may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The District shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

(cf. 5114 - Suspension/Expulsion)

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes
 10-221 Boards of education to prescribe rules.
 10-233a through 10-233f - Expulsion as amended by PA 95-304
 53a-3 Definitions.
 53a-217b - Possession of firearms and deadly weapons on school grounds
 53-206 Carrying and sale of dangerous weapons.
 PA 94-221 An Act Concerning School Discipline and Safety.
 Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q)
 (2006)
 GOALS 2000: Educate America Act
 18 U.S.C. 921 Definitions.
 USCA 7151 – No Child Left Behind Act
 Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)
 Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-
 7117

Policy adopted:

FAIRFIELD PUBLIC SCHOOLS
 Fairfield, Connecticut

(Reviewed and approved by Policy Review Committee)

*Existing policy, #5119 adopted 9/23/14, recodified and revised to be compliant with PA 15-96.
Another version also follows for comparison and consideration.*

Students

Suspension and Expulsion/Due Process

I. Definitions

- A. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- B. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- C. **Expulsion** ~~means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.~~ is defined as an exclusion from school privileges for any student in grades three through twelve, inclusive for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- D. **Removal** is the exclusion of a student for a class period of ninety (90) minutes or less.
- E. **School Days** shall mean days when school is in session for students.
- F. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- G. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- H. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below. All suspensions pursuant to this Policy shall be in-school suspensions unless during the hearing held pursuant to Section V of this Policy, (1) the administration determines that the student in grades three through twelve, inclusive being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or

Students

Suspension and Expulsion/Due Process

I. Definitions (continued)

H. Suspension (continued)

(2) the administration determines that an out-of-school suspension is appropriate for such student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the board of education.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

I. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

J. **In-School Suspension** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom. Program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.

In-school suspensions shall be served in the school attended by the student. ~~(or: In-school suspensions may be served in any school building under the jurisdiction of the Board. The Board has determined that in-school suspensions shall be served in the following District Schools: _____)~~

II. Scope of the Student Discipline Policy

A. Conduct on School Grounds or at a School-Sponsored Activity:

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

Students

Suspension and Expulsion/Due Process

II. Scope of the Student Discipline Policy (continued)

B. Conduct off School Grounds:

1. Students may be disciplined for conduct off school grounds if such conduct is seriously, disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. §29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

2. When considering whether conduct off school grounds is seriously, disruptive of the educational process, the term “weapon” means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release devise by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined below at section VI.B.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

Students

Suspension and Expulsion/Due Process

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, or misidentification of oneself to such person(s).
8. A walk-out from or sit-in within a classroom or school building or school grounds.
9. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or 'unloaded, whether functional or not, or any other dangerous object.
11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages). For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
15. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
17. Trespassing on school grounds while on out-of-school suspension or expulsion.

Students

Suspension and Expulsion/Due Process

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

18. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
20. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
22. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized purposes.
26. Possession and/or use of a laser pointer.
27. Hazing.
28. Bullying is defined under Sec. 10-222d. as amended by PA 08-160 as: any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity, which acts are ~~committed more than once against any student during the school year~~ repeated against the same student over time.
29. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
30. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

Students

Suspension and Expulsion/Due Process (continued)

IV. Procedures Governing Removal From Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

V. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II and/or Section III of this policy for not more than ten (10) consecutive school days. In such cases, the following procedures shall be followed.
 - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which, the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 - 2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, and considered in the determination of the length of suspensions and/or whether the suspension is an in-school or out-of-school suspension.
 - 3. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
 - 4. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.

Students

Suspension and Expulsion/Due Process

V. Procedures Governing Suspension (continued)

5. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
 6. Notice of the original suspension shall be transmitted by the principal or designee to the Superintendent of Schools or designee by the close of the school day following the commencement of the suspension.
 7. The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.
 8. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
 9. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 10. During the period of suspension, the student shall not be permitted to be on school property (except in the case of an in-school suspension), and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to participate in a particular school-sponsored activity.
- B. In cases where the student has previously been suspended, or where such suspension will result in the student's being suspended more than ten (10) times or for fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing. The principal or designee shall report the student to the Superintendent or designee and request a formal hearing.
- C. A student in grades PK through two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

VI. Procedures Governing Expulsion Recommendation

The Board of Education may expel any student, grades three through twelve, inclusive, for one or more of the reasons stated in Sections II and III.

Students

Suspension and Expulsion/Due Process

VI. Procedures Governing Expulsion Recommendation (continued)

- A. A principal may consider recommendation of expulsion of a student, **in grades three through twelve inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at sections II and/or III, above.
- B. A principal must recommend expulsion proceedings in all cases against any student **in grades K through twelve inclusive**, whom the administration has reason to believe:
 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. §921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. §21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
 4. The following definitions shall be used in this section:
 - a. A **“firearm”** as defined in 18 U.S.C §921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a “destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ¼” in diameter. The term “destructive device” also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A “destructive device” does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

Students

Suspension and Expulsion/Due Process

VI. Procedures Governing Expulsion Recommendation (continued)

- b. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.
 - c. **“Dangerous instrument”** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle”.
 - d. **“Martial arts weapon”** means a nunchalcu, kama, kasari-fundo, octagon sal, tonfa or chinese star.
 - e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term “weapon” means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle and having a blade of over one and one half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined above.
- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to an impartial hearing officer to hear and decide the expulsion matter.

VII. Procedures Governing Expulsion Hearing

A. Emergency Exception:

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. Hearing Panel:

The Superintendent is hereby authorized to retain a hearing officer to conduct the hearing.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

C. Hearing Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, and location of the hearing.
 - b. A short, plain description of the conduct alleged by the administration.
 - c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
 - d. The student may cross-examine witnesses called by the administration.
 - e. The student may be represented by any third. party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
 - f. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
 - g. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

D. Hearing Procedures

1. The hearing will be conducted by a hearing officer, who will call the meeting to order, introduce the parties, and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

3. Formal rules of evidence will not be followed. The hearing officer has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The hearing officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the hearing officer will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel and by the hearing officer.
7. After the administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the hearing officer. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the hearing officer. Concluding statements will be made by the administration and then by the student and/or his or her representative.
8. In cases where the student has denied the allegation, the hearing officer must determine whether the student committed the offense(s) as alleged by the Superintendent.
9. If the hearing officer determines that the student has committed the conduct as alleged, then the hearing officer shall proceed with the second portion of the hearing, during which the hearing officer will receive and consider evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the hearing officer may review the student's attendance, academic and past disciplinary records. The hearing officer may ask the Superintendent for a recommendation as to the discipline to be imposed.
11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the hearing officer is considering length and conditions of expulsion and nature of alternative educational opportunity to be offered.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

12. Where administrative staff presented evidence in support of the allegations against the student, such administrative staff shall not be present during the deliberations of the hearing officer either on questions of evidence or on the final length and conditions of expulsion to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the hearing officer as to the appropriate length and conditions of expulsion to be imposed.
13. The hearing officer shall make findings as to the truth of the allegations, if the student has denied them, and, in all cases, the length and conditions of expulsion, if any, to be imposed. The hearing officer shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the length and conditions of expulsion to be imposed. Said decision shall be based solely on evidence presented at the bearing.

E. Expulsion Notice

The parents or guardian or any minor student who has been expelled shall be given notice of such length and conditions of expulsion within twenty-four (24) hours of the time of the institution of the period of the expulsion.

F. Presence on School Grounds and Participation in School-sponsored Activities During Expulsion

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to participate in a particular school-sponsored activity.

VIII. Board Policy Regarding Mandatory Expulsions

In keeping with Conn. Gen. Stat. §10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for: the conduct described in Section VI(B)(1), (2) and (3) of this policy. The hearing officer may modify the term of expulsion on a case-by-case basis.

Students

Suspension and Expulsion/Due Process (continued)

IX. Alternative Educational Programs for Expelled Students

A. Students under sixteen (16) years of age:

Whenever a student under sixteen years of age is expelled, any such student shall be offered an alternative educational program.

B. Students sixteen (16) to eighteen (18) years of age:

The Board of Education will provide an alternative education to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, acting through the Superintendent, except as follows: The Board of Education is not required to offer an alternative program to any student between the ages of sixteen, and eighteen who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

C. Students eighteen (18) years of age or older:

The Board of Education is not required to offer an alternative educational program to expelled students eighteen years of age or older.

D. Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA")

Notwithstanding Sections IX.A. through C. above, if an expelled student has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), the expelled student shall be offered an alternative educational program in accordance with the requirements of IDEA, as it may be amended from time to time.

X. Notice of Student Expulsion on Cumulative Record

~~Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.~~

If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

Students

Suspension and Expulsion/Due Process (continued)

XI. Change of Residence During Expulsion Proceedings

A. Student moving into the school district:

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the out of district expulsion hearing unless an emergency exists, as defined above. The hearing officer shall have the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the hearing officer may adopt the decision of the student expulsion hearing conducted by such other school district. The hearing officer shall make its determination based upon a hearing held by the hearing officer, which shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. Student moving out of the school district:

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the hearing officer, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the hearing officer shall complete the expulsion hearing and render a decision. If the hearing officer subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. Suspension of students who are eligible for services under IDEA:

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA (a "student with a disability") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the student with a disability beyond that which is provided to all students suspended by the school district.

Students

Suspension and Expulsion/Due Process (continued)

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA") (continued)

B. Expulsion and Suspensions that Constitute Changes in Placement for Students with Disabilities:

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student with a disability who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's IEP team shall consider whether the student's disability caused or had a direct and substantial relationship to the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, and whether the behavior was a direct result of the failure to implement the student's IEP in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

Students

Suspension and Expulsion/Due Process (continued)

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA") (continued)

6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

C. Transfer of Students with Disabilities for Certain Offenses

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity.
3. Has inflicted serious bodily injury on another person at school, on school grounds or at a school sponsored activity.

As used in this subsection XIII.C., the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. The term "serious bodily injury" means bodily injury which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a "Student with Disabilities under 504") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.

Students

Suspension and Expulsion/Due Process

XIII. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 (continued)

3. If the 504 team finds that the behavior a manifestation of the student's disability, the administration shall not proceed with the recommended expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion.

XIV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XV. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVI. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If a student is expelled for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- C. If a student is expelled for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.
- D. No later than August 31st, the Superintendent shall, in Executive Session, provide the Board with a summary of any recommendation of expulsion and any expulsion hearings from the prior fiscal year ending June 30th. The summary shall include conduct alleged by the administration, the findings of the hearing officer and the length and conditions of expulsion imposed, if any.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes

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

10-233a through 10-233e Suspension and expulsion of students, **as amended.**

10-233f as amended by PA 07-66 and PA 08-160 In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).

Federal law:

Honig v. Doe 484 U.S. 305 (1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 as amended by the

Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17.

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

8 U.S.C. §921 (definition of “firearm”)

18 U.S.C. §930(g)(2) (definition of “dangerous weapon”)

Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20 U.S.C. §715 1)

Policy adopted: November 9, 2010
 Policy revised: May 15, 2013
 Policy revised: September 23, 2014
 Policy revised:

FAIRFIELD PUBLIC SCHOOLS
 Fairfield, Connecticut

A mandated policy to consider.

Students

Discipline

Physical Exercise and Discipline of Students

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

1. Loss of Recess as Disciplinary Consequence

Except as provided below, school employees may NOT prevent a student in elementary school from participating in recess or in other sustained opportunities for physical activity during classroom learning as a form of discipline. Recess and other physically active learning opportunities may include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students in physical activity that is the time devoted each day (at least 20 minutes) to physical exercise in the District's elementary schools.

Loss of recess or other physically active learning opportunities as a form of discipline may be permitted on a case-by-case basis if approved in writing by the building administration prior to the imposition of the discipline. Such approval may be granted for safety reasons, as a last resort before in-school suspension, or in extraordinary situations when alternative strategies to address student misconduct have been ineffective.

This restriction shall not apply to students who are receiving in-school suspension.

2. Physical Activity as Punishment

School employees may NOT require students enrolled in grades K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

3. Wellness Instruction

School employees shall not prevent students from participating in physical exercise during wellness instruction as a form of discipline.

This restriction does not apply to brief periods of respite/time-outs, referrals to the building administrator, or for safety reasons.

At no time shall an entire class be prevented from participating in wellness instruction or physical exercise activity as a disciplinary consequence.

Students

Discipline

Physical Exercise and Discipline of Students (continued)

The Superintendent of Schools is authorized to develop guidelines to implement this policy.

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP) developed by the student's Planning and Placement Team (PPT).

For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

(cf. 6142.10 – Health Education Program)

(cf. 6142.101 – Wellness)

(cf. 6142.61 – Physical Activity)

(cf. 6142.6 – Physical Education)

Legal Reference: Connecticut General Statutes

10-221o Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, and P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools)

Policy adopted:

cps 3/14

Students

WELLNESS

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PHILOSOPHY

The Fairfield Board of Education believes that all students who begin each day as healthy individuals have the potential to become better learners. The Board also believes that staff should model appropriate wellness behaviors for students. This policy encourages a comprehensive approach to staff and student wellness that is sensitive to individual and community needs.

NUTRITION EDUCATION

Nutrition education shall be offered as part of a planned, ongoing, systematic, sequential, standards-based, comprehensive school health education program designed to provide students with the knowledge and skills necessary to promote and protect their health. Nutrition education shall use national or state-developed standards, such as the Connecticut State Department of Education's Healthy and Balanced Living Curriculum Framework. The District shall develop and implement a comprehensive, developmentally appropriate, curriculum approach to nutrition in all grades. Students shall be able to demonstrate competency through application of knowledge, skill development and practice. Nutrition education will be taught as part of the Health Education Program and will include the following:

- participation in the Health/Nutrition Education Program shall be required for all students in grades Pre-K-5. The district will strive to meet the Connecticut State Department of Education recommendation that Pre-K thru grade 4 receive 50 hours a year of Comprehensive Health Education and grade 5 – 12 receives 80 hours;
- health/Nutrition Education is required each year for all students in grades 6-8;
- high school students shall be required to take and pass Health Education each year for a total of 5 marking periods for graduation;
- school officials shall disseminate information to parents, students and staff members about community programs that offer nutrition assistance to families;
- school instructional staff members are encouraged to collaborate with agencies and groups (such as: local businesses, libraries, local health departments, local colleges and their students and local health care providers) conducting nutrition education in the community to send consistent messages to students and their families;
- the District shall require appropriate training for teachers and other staff members;
- instructional staff are encouraged to integrate nutritional themes into daily lessons when appropriate, to reinforce and support health messages. Nutrition education is encouraged to be included in other classroom content areas such as math, science, physical education, language arts, social sciences, family and consumer sciences and elective subjects;

Students

WELLNESS

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NUTRITION EDUCATION (continued)

- healthy living skills is recommended to be taught as part of the regular instructional program and provides the opportunity for all students to understand and practice concepts and skills related to health promotion and disease prevention;
- the District shall assess nutrition education lessons and materials for accuracy, completeness, balance and consistency with the state's/district's educational goals and curriculum standards.

SCHOOL MEALS/OTHER SCHOOL FOOD AND BEVERAGES

The Board supports nutrition programs and nutrition education as an integral part of a high-quality education. (Policy #3712)

The Board shall operate and maintain a school meal program, which shall function in accordance with state and federal program requirements. The program, insofar as possible, shall be self-supporting. The Manager of Food and Nutrition Services shall be responsible for the immediate operation and supervision of the school meal program and shall report to the Director of Operations. (Policy #3710)

The Board of Education supports nutrition programs and nutrition education as an integral part of a high-quality education. The Board believes that all students who begin each day as healthy individuals have the potential to become better learners. To achieve this belief:

- the Board of Education will strive to establish a breakfast program at schools, as appropriate, and operate and maintain a school meal program which shall function in accordance with state and federal program requirements;
- foods beyond the school meals (a la carte) that are offered for sale to students in the cafeteria shall comply with federal guidelines, and state statutes, and district policy;
- when possible, foods offered for sale to students in the cafeteria are low in fat, sugar, sodium, calories and trans fat free;
- the preferred methods for on-site food preparation are baked, boiled and steamed, never fried;
- efforts to increase participation in school meal programs may include the use of
 - the District website,
 - posting menus,
 - newsletters/flyers,
 - printed menus sent home,
 - language translations,
 - multiple meal selections,

Students

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SCHOOL MEALS/OTHER SCHOOL FOOD AND BEVERAGES (continued)

- theme menus,
 - specialty food bars,
 - seasonal fresh fruits and vegetables,
 - more whole grain and low fat products,
 - vegetarian items;
- the District shall offer a minimum of a twenty minute lunch period scheduled between 10am and 2pm;
- students should wash or sanitize their hands before snack, lunch and after using the restroom;
- all staff and volunteers will not use food as a form of reward or punishment, except as part of a planned scientifically based intervention, e.g. ABA (Applied Behavioral Analysis) with administrative and parental approval;
- the Manager of Food and Nutrition Services have a Bachelor Degree in Nutrition, Food Management, Institutional Food Service Administration, and Professional certifications such as those from the American Dietetic Association and School Nutrition Association are recommended;
- cafeteria managers or their designee hold certification in sanitation;
- the District shall provide the opportunity for foodservice staff to engage in professional development;
- the District shall provide a clean, pleasant meal environment to ensure an enjoyable dining experience;
- the District shall provide access to detailed information regarding the nutritional information of school meals and a la carte food;
- the District will limit the use of questionable ingredients (e.g. trans fats and artificial sweeteners) based on scientific evidence;
- non cafeteria/competitive foods and beverages accessible to students throughout the school day including school stores will be sold in compliance with federal guidelines, state statutes and District policy;
- the District will permit vending machines in the middle and high schools in accordance with Connecticut General Statutes;

Students

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SCHOOL MEALS/OTHER SCHOOL FOOD AND BEVERAGES (continued)

- all beverages offered for sale during the school day will comply with the nutrition and portion requirements as set forth in Connecticut General Statutes 10-221q; s ;
- the District will offer milk selections for sale in the cafeterias according to state and federal regulations;
- the District will provide school groups with a list of suggestions for food/non-food fundraising and class parties, school celebrations and food from home for the whole class;
- snack foods available for purchase from the District before, during and after school shall follow but not be limited to the Connecticut Healthy Snack Guidelines.

HEALTH EDUCATION AND LIFE SKILLS

Healthy living skills shall be taught as part of the regular instructional program and provides the opportunity for all students to understand and practice concepts and skills related to health promotion and disease prevention. Participation in the Health Education Program shall be required for all students in grades PK-12 according to the curriculum as established by the Board of Education.

PHYSICAL EDUCATION AND PHYSICAL ACTIVITY

A certified physical education specialist will teach physical education. Physical education shall be an essential element of each school's instructional program. The sequential program shall provide cognitive content and learning experiences in basic movement skills, physical fitness, games and sports skills. The physical education program shall foster physical, mental, emotional and social development in addition to promoting activities and sports that all students can enjoy and participate in for a lifetime of healthy physical activity. Students will be provided a variety of opportunities for enjoyment, challenge, self-expression, social interaction and learning how to work cooperatively in a group setting that will lead to a physically active lifestyle. The curriculum's alignment will be maintained with state and national standards and include performance assessments for each content area. Physical educators are encouraged to promote student participation in moderate to vigorous physical activity during physical education class time. The physical education program shall be designed to encourage healthy active lifestyles.

Students

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PHYSICAL EDUCATION AND PHYSICAL ACTIVITY (continued)

- Physical Education shall be required of all students in grades PreK-12. Currently, preschool students receive one class each week of 20 minutes, elementary students receive two classes each week of 30 minutes, middle school students receive two classes each week of 40 minutes and high school students receive two classes each week of 45 minutes during a marking period.
- The district will continue to implement the Connecticut Physical Fitness Assessment to all 4th, 6th, 8th and 10th grade students.

PHYSICAL ACTIVITY

Physical exercise is a necessary education support component for all students. No elementary student shall be denied involvement in the required period of physical exercise during the regular school day as a form of discipline. No student in grades kindergarten through grade 12 shall be required to engage in physical exercise as a form of discipline. Appropriate alternative strategies should be developed as consequences for negative or undesirable behaviors.

- Elementary schools are encouraged to develop schedules that provide time within every school day for students to enjoy supervised recess preferably outdoors.
- Students shall be encouraged to be physically active during recess to supplement the daily recommended activity time for children.
- It is recommended that elementary schools schedule recess before lunch.
- All staff, including certified and non-certified, including teachers and coaches, shall not order the performance of physical activity as a form of discipline or punishment.
- The classroom teachers shall not prohibit participation in physical education class as a form of punishment or as a measure to enforce the completion of academic work.
- Staff members are encouraged to integrate physical activity as part of the learning process.
- Middle and high schools are encouraged to provide intramural opportunities for all students and encourage their participation. The high schools shall maintain opportunities for students through their interscholastic athletic program.
- When appropriate, the District shall work together with local public works and the police department to make it safer and easier for students to walk and bike to school.

Students

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PHYSICAL ACTIVITY (continued)

- The District will maintain its relationship with the recreation department and other groups to continue to make available opportunities to students and the community for physical activity outside of the regular school day.
- The Board of Education values the health and well being of staff members and supports their efforts to maintain healthy lifestyles. Staff members are encouraged to serve as role models for a healthy lifestyle.

COMMUNICATION AND PROMOTION

A District-wide Wellness Coalition shall be established with the purposes of monitoring the implementation of the District's policy, evaluating policy progress, serving as a resource to school sites, developing and revising the policy as necessary and sharing positive strides being made to endorse a high level of wellness within buildings. The Coalition will meet regularly throughout the school year. Coalition membership shall consist of, but not limited to:

- District Food Service Coordinator,
- parent representatives,
- student representatives,
- staff member representatives,
- administrative representative,
- school nurse,
- Health Education Coordinator/Teacher,
- Physical Education Coordinator/Teacher.

It is recommended that this team use the Centers for Disease Control and Prevention's Coordinated School Health Program model to work as a cohesive group when evaluating the District Wellness Policy.

- It is recommended that students receive positive, motivating messages, both verbal and nonverbal, about healthy eating and physical activity throughout the school environment. All school personnel are encouraged to help reinforce these positive messages.
- The District is encouraged to develop long-term effective partnerships in order to communicate and receive feedback on the planning and implementation of health promotion projects and events throughout the school district and community.

Students

WELLNESS

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COMMUNICATION AND PROMOTION (continued)

- In order to promote family and community involvement in supporting and reinforcing nutrition education in the schools, it is recommended that the building Principal provides:
 - nutrition education materials and cafeteria menus are sent home with students;
 - requests to parents to send healthy snacks/meals to school;
 - families with invitations to attend exhibitions of student nutrition projects or health fairs;
 - nutrition education workshops and offers screening services.
- Schools are encouraged to promote healthy food choices and not allow advertising that promotes less nutritious food and beverage choices. The promotion of nutrient-dense foods, including fruits, vegetables, whole grains and low-fat dairy products, shall be encouraged.

The following procedure is recommended in order to evaluate the effectiveness of the Wellness Policy:

- the District-wide Wellness Coalition shall monitor the implementation of the Wellness Policy; evaluate progress in implementing policy; serve as a resource to school sites; and recommend revisions of the policy through the Superintendent or designee;
- the District will strive to support the district-wide wellness policy through local education budget, public and private grants, and local community contributions.

Students

WELLNESS

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Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and the feeding programs for public school children and employees.

10-215a Non-public school participation in feeding program.

10-215b Duties of state board of education re: feeding programs.

10-216 Payment of expenses.

10-215b-1 State board of education regulation.

10-221o Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, and P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools)

Approved on 6/27/2006

Revised and Approved 08/04/2009

Revised and Approved 4/8/2014

SEXUAL ABUSE PREVENTION AND EDUCATION PROGRAM (ERIN'S LAW)

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

PAGE 1

The General Assembly in 2014 passed Public Act 14-196, "An Act Concerning a State-Wide Sexual Abuse and Assault Awareness Program," which was signed into law by Governor Malloy. This legislation made Connecticut one of fifteen states that have passed what is known as "Erin's Law." Similar legislation is being considered in another twenty-two states.

Erin's Law is the work of advocate and author Erin Merryn, a victim of sexual abuse beginning at the age of six and lasting until she was thirteen. Merryn has become the public face of the often silent childhood sexual abuse epidemic. Statistics point out the severity of the epidemic. One in four girls and one in six boys are sexually abused before the age of eighteen. The largest number of sexually abused children is between the ages of eight and eleven years old. Children with disabilities are four times more likely to be abused. In addition, once a child has been abused they are at an increased risk of being abused again.

In January 2010, she began the process of advocating for enactment of a law requiring sexual abuse education and awareness in her home state of Illinois. The measure was signed into law by Illinois Governor Pat Quinn in January 2013. Since that time, Merryn has been on a crusade to see Erin's Law adopted in all states.

Connecticut's legislation is part of the nationwide trend in the adoption of "Erin's Law," which strives to stop childhood sexual abuse through awareness. Erin's Law requires that all public schools implement a prevention-oriented child sexual abuse program which teaches:

1. students age-appropriate techniques to recognize child sexual abuse and to tell a trusted adult;
2. school personnel all about child sexual abuse; and
3. parents and guardians the warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families.

Public Act 14-196 requires, by July 1, 2015, the Department of Children and Families (DCF), together with the Department of Education (SDE) and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by local boards of education. The school boards must implement the program by October 1, 2015. June 2015 Special Session Public Act 15-5 changed this date to October 1, 2016.

Under the Act, the program must include (1) instructional modules for teachers; (2) age-appropriate educational materials for students in grades kindergarten through twelve; and (3) a uniform child sexual abuse and assault response policy and reporting procedure.

The age-appropriate materials for students may include (1) skills in recognizing (a) child sexual abuse and assault, (b) boundary violations and unwanted forms of touching and contact, and (c) ways offenders groom or desensitize victims and (2) strategies to (a) promote disclosure, (b) reduce self-blame, and (c) mobilize bystanders.

SEXUAL ABUSE PREVENTION AND EDUCATION PROGRAM (ERIN'S LAW)

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

PAGE 2

The response policy and reporting procedure may include (1) actions child victims may take to get help, (2) intervention and counseling options for child victims, (3) access to educational resources to help child victims succeed in school, and (4) uniform procedures for reporting instances of child sexual abuse and assault to school staff.

The legislation requires the program to include sexual abuse and assault prevention, as well as awareness. It also allows, rather than requires, the teachers' instructional modules to include certain training; and requires local and regional school boards, rather than the State Board of Education, to implement the program, and requires that it be implemented in each school district, rather than in each public school.

The Act allows students to opt out of the awareness program or any part of it if the student's parent or legal guardian so notifies the board of education in writing. School boards must provide exempt students with opportunities for study or schoolwork when the student would otherwise be participating in the program.

Policy Implications

The law became effective in Connecticut on July 1, 2014. The current 2014-2015 school year is viewed as a planning and development year, both in terms of program development and model policy development. DCF and its assisting agencies, as previously described, is responsible for the development of a statewide sexual abuse and assault awareness and prevention program by July 1, 2015. (changed to July 1, 2016 by June 2015 Special Session Public Act 15-5)

Local districts are required to implement such a program by October 1, 2015. The local boards of education are further required to adopt and implement a uniform sexual abuse and assault response policy containing the items listed above. (changed to October 1, 2016 by June 2015 Special Session Public Act 15-5)

The CABE Policy Service has completed the research phase of developing a new model policy pertaining to this important issue. The purpose of a model policy is to provide districts with a blueprint for creating a comprehensive and effective response for a sexual abuse and assault awareness and prevention program.

The locally adopted policy should contain language pertaining to the district's intent to implement the statewide sexual abuse and assault awareness and prevention program for teachers and students by October 1, 2015. (changed to October 1, 2016 by June 2015 Special Session Public Act 15-5)

The new policy, codified as #5145.511, "Sexual Abuse Prevention and Education Program," and an accompanying administrative regulation and sample "Opt-Out" form follow for your consideration and use. The policy and administrative regulation utilizes the reporting procedure contained in policy #5141.4, "Reporting of Suspected Child Abuse," because it is believed that child sexual abuse or assault is a form of child abuse.

April 2015

Revised July 2015

P.A. 14-196 mandates a policy pertaining to this topic by October 1, 2016.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Definitions

Sexual abuse refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth, and sexual contact is considered abuse, regardless of whether it includes touching or not.

Sexual assault usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse – a trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

Program

The Fairfield Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed, in compliance with P.A. 14-196, by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources. The District's implementation of the Sexual Abuse and Assault Awareness and Prevention Program, per statute, shall be not later than October 1, 2015. The program shall include, but not be limited to:

1. Providing mandatory training to all District staff to ensure they are fully informed on:
 - a. The warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse,
 - b. Mandatory reporting requirements,
 - c. School District policies pertaining to sexual abuse and sexual misconduct,
 - d. Establishing and maintaining professional relationships with students,
 - e. Available resources for children affected by sexual abuse or misconduct, and

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Program (continued)

- f. Appropriate follow-up and care for abused students as they return to the classroom setting.
- 2. Providing students age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to:
 - a. The skills to recognize:
 - i. Child sexual abuse and assault,
 - ii. Boundary violations and unwanted forms of touching and contact, and
 - iii. Ways offenders groom or desensitize victims.
 - b. Strategies to promote disclosure, reduce self-blame and mobilize bystanders.
 - c. Actions that child victims of sexual abuse and assault may take to obtain assistance.
 - d. Intervention and counseling options for child victims of sexual abuse and assault.
 - e. Access to educational resources to enable child victims of sexual abuse and assault to succeed in school.
 - f. Uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

[Note: Above items a, b, c, d, e, and f are required per P.A. 14-196.]

The Board of Education directs the Superintendent develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal of a written request from the student's parent or guardian.)

Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program (continued)

Reporting Child Sexual Abuse and Assault

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be followed for all acts of violence and sexual abuse against children as delineated in policy #5141.4, "Reporting of Suspected Child Abuse," and its accompanying regulations.

Connecticut General Statutes §17a-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school guidance counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Reporting suspected abuse and/or neglect of children, in addition to the requirements pertaining to staff training, record keeping and dissemination of this policy, shall be in accordance with the procedures established and set forth in the Administrative Regulation #5151.4.

(cf. 5131.911 – Bullying)

(cf. 5141.4 – Reporting of Suspected Child Abuse)

(cf. 5145.5 – Sexual Harassment)

Legal Reference: Connecticut General Statutes

17a-101q Statewide sexual abuse and assault awareness and prevention program (as amended by Section 415 of the June 2015 Special Session Public Act 15-5)

Policy adopted:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut