

BOARD OF EDUCATION
FAIRFIELD PUBLIC SCHOOLS
FAIRFIELD, CT

Policy Committee Meeting

Monday, September 12, 2016

4:30 p.m.

501 Kings Highway East
Superintendent's Conference Room

Agenda

- I. Call to Order
- II. Approval of August 29, 2016 Meeting Minutes
- III. Policy
 - Policy #4935 Personnel – Personal Leaves, Family and Medical Leave Act, two Versions to consider from CABE, existing policy would require too much new language to be compliant with statute (Recodified to CABE 4152.6/4252.6)
 - Policy #5111 Students – Admission/Placement (Replacement for existing Policy#5111)
 - Policy #5112 Students – Attendance/Excuses/Dismissal (Recodified to CABE 5113, with required addition of sections required by PA 15-225. Existing policies 5116, 5121, and 5114 have been made a part of this 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: 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.

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Monday, August 29, 2016

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Minutes

I. Call to Order The meeting was called to order by Jennifer Kennelly at 4:33 PM. In addition to Mrs. Kennelly in attendance were Anthony Calabrese, Jim Coyne, and Steve Tracy (representing the Administration) and a member of the public, Mr. Carlucci. Committee member, Mrs. Karnal was absent.

II. Approval of June 20, 2016 Meeting Minutes Approved 2-0-0

III. Policy

- Policy #3560 Business – Safety and Security, Modified/replaced with new policy compliant with PA 13-3 (Recodified and renamed to CABE Policy # 3516, Safe and Secure School Facilities, equipment, and Grounds) with recommendations on revisions from CABE

This policy was approved with minor edits 2-0-0. It will be forwarded to the BOE for first reading at their next meeting.

- Policy #3563 Business – Pest Management/Pesticide Application, Modified/replaced by CABE to reflect recent legislation (Recodified to CABE #3524.1) with recommendations on revisions from CABE

In answer to Mr. Cullen's question from the June 20th meeting, CABE reported that the highlighted portion of the policy draft is mandated by statute. The policy was approved with minor edits 2-0-0 and will be forwarded to the BOE for first reading at their next meeting.

- Policy #4127 Personnel – Appointment and Conditions of Employment, modified by CABE to reflect all legal references (Recodified to CABE 4115/4215)

This policy was approved 2-0-0

- Policy #4935 Personnel – Personal Leaves, Family and Medical Leave Act, two Versions to consider from CABE, existing policy would require too much new language to be compliant with statute (Recodified to CABE 4152.6/4252.6)

The committee agreed to review the version of the policy preferred by HR Director, Ann Leffert. In discussion of this policy the question was asked about possible redundancy of paragraph 3 on

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page (a) and paragraph 2 on page (b). Also, there was a question about the note in italics at the bottom of page (b) as to whether or not it was part of the policy or merely a note intended for the committee. It is included in the legal references. Jim Coyne will seek clarification from CABA. This policy will be included on the September 12 agenda.

- Policy #3120 Business – Budget Implementation, recommended by CABA for deletion, replaced by new CABA recommended Policy #3170, adopted by BOE on June 21, 2016

Approved for Deletion 2-0-0

- Policy #3120.2 Business – Budget Control, recommended by CABA for deletion, replaced by new CABA recommended Policy #3170, adopted by BOE on June 21, 2016

Approved for Deletion 2-0-0

IV. Open Discussion/Public Comment

Several items were discussed by the committee:

- The format of the policies forwarded to the BOE: Will the changes be highlighted or, if the policies were rewritten by CABA will the old policies be included?
- Should we begin work on the graduation requirements policy? We agreed that we will need some direction from the CSDE before developing a revised policy to avoid revising the policy twice.
- In view of the out of district tuition program at the Walter Fitzgerald Campus, should we revise the applicable BOE policy? We agreed to suggest a progress report by Andrea Leonardi to the BOE at mid-year and have the full BOE consider the question of the need for a revised policy.

There were no comments from the public.

V. Adjournment 5:18 PM

Future Mtg. Dates and Times: *All meetings will be on Mondays, starting at 4:30 unless otherwise noted: **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.

The recommended replacement policy pertaining to the Family and Medical Leave Act, for existing policy #4935 adopted 8/27/04 which is not compliant with recent legislation.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

The District will continue to pay the District's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or Federal call to covered active duty (includes National Guard and Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (including as a member of the National Guard or Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating;
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service; and/or

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

- To care for a parent of a military member called to active duty provided the military member is the spouse, (including same-sex marriages*), parent or child of the employee.

When leave is due to a “qualifying exigency” of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period. Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee’s own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. The term “marriage” includes a same-sex marriage which all states must now recognize, or common law marriages that either was entered into in Connecticut or another state that recognizes such marriages or if entered into out of Connecticut is valid in the place where entered into and could have been entered into in at least one state. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA’s regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

**Due to the Obergefell Supreme Court Decision, there is no distinction under the law between same sex and opposite sex spouses. It is advisable to refer to “marriage” and “spouse.”*

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.
Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).
Final Rule – published in Federal Register, Vol. 78, Wed. February 6, 2013.
Final Rule – published in Federal Register, Vol. 80, No. 37, Wednesday, February 25, 2015
Connecticut General Statutes
46b-3800 Applicability of statutes to civil unions and parties to a civil union.
PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.
PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees
United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)
Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

Policy adopted:

rev. 4/09
rev. 4/10
rev. 3/13
rev. 3/14
rev 10/14
rev. 3/15
rev 9/15

Another version of this policy.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave

The _____ Board of Education shall comply with all provisions of the Family and Medical Leave Act of 1993, as amended, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leaves to military families and veterans for specific circumstances), 2013 Final Rules and with the related U.S. Department of Labor regulations. The Superintendent shall develop appropriate procedures to implant the Act.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or Federal call to covered active duty (including National Guard and Reserves) in the Armed Forces including deployment to a foreign country;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (including as a member of the National Guard or Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating;
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service; and/or
- To care for a parent of a military member called to active duty provided the military member is the spouse, (including same-sex marriages*), parent or child of the employee.

When leave is due to a "qualifying exigency" as defined by Department of Labor regulations of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period.

**Due to the Obergefell Supreme Court Decision, there is no distinction under the law between same sex and opposite sex spouses. It is advisable to refer to "marriage" and "spouse."*

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave (continued)

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. The term "marriage" includes a same-sex marriage, which all states must now recognize, or common law marriages that either was entered into in Connecticut or another state that recognizes such marriages or if entered into out of Connecticut is valid in the place where entered into and could have been entered into in at least one state. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585, and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.
Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).
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PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees
United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)
Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

Policy adopted:
rev. 9/15

The recommended replacement for existing policy #5111 adopted 8/27/04, which is not fully compliant with most recent legislation.

Students

Admission/Placement

Admission

District schools shall be open to all children five years of age and over who reach age five on or before the first day of January of any school year. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin, sexual orientation, or gender identity or expression. Students who are classified as homeless under federal law, and therefore do not have a fixed residence, will be admitted pursuant to federal law and policy 5118.1. Exceptions from routine admission may be made by the school Principal on the basis of supporting evidence from physical and psychological examinations.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with information on the educational opportunities available in the school system.

According to Connecticut General Statute 10-76d (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. If the parents or guardians of any children are unable to pay for such immunizations, the expense of such immunizations shall on the recommendation of the Board, be paid by the town. Proof of domicile may also be requested by the Building Principal.

Any child entering or returning to the district from placement in a juvenile detention school, the Connecticut Juvenile Training School, or any other residential placement, shall have the educational records of such child provided to the Superintendent of Schools by the Department of Children and Families (DCF) and the Judicial Department. Such information will be shared with the Principal of the school to which the student is assigned. The Principal can disclose them to the staff who teach or care for the child.

Students

Admission/Placement

The District will immediately enroll any student who transfers from Unified District No. 1 or Unified District No 2. A student transferring from the Unified School Districts who had previously attended school in the local District shall be enrolled in the school such student previously attended, provided such school has the appropriate grade level for the student.

The parent or person having control of a child sixteen or seventeen years of age may consent to such child's withdrawal from school. For the school year commencing July 1, 2011, and each school year thereafter, the parent or person having control of a child seventeen years of age shall exercise this option by personally appearing at the school district office to sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor or school administrator of the school that the district has provided the parent or person with information on the educational options available in the school system and in the community.

Children who have attained the age of seventeen and who have terminated enrollment in the district's schools with parental permission as described previously and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to a district school not later than ten days after such termination. In such case the child will be provided school accommodations not later than three days after the requested readmission.

Note: *When a student is enrolling in a new school district or new state charter school, written notification of such enrollment shall be provided to the previous school district or charter school not later than two business days after the student enrolls.*

Children who apply for initial admission to the district's schools by transfer from nonpublic schools or from schools outside the district will be placed at the grade they would have reached elsewhere pending observation and evaluation by classroom teachers, guidance personnel, and the school Principal. After such observations and evaluations have been completed, the Principal will determine the final grade placement of the children.

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

- (cf. 0521 - Nondiscrimination)
- (cf. 5112 - Ages of Attendance)
- (cf. 5118.1 - Homeless Students)
- (cf. 5141 - Student Health Services)
- (cf. 6171 - Special Education)
- (cf. 6146 - Graduation Requirements)

Students

Admission/Placement

Legal Reference: Connecticut General Statutes
10-15 Towns to maintain schools
10-15c Discrimination in public schools prohibited. School attendance by five-year olds, as amended by PA 97-247
10-76a - 10-76g re special education
10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) - as amended by PA 98-243, PA 00-157 and PA 09-6 (September Special Session)
10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission, as amended.
10-220h Transfer of student records, as amended.
P.A. 11-115 An Act Concerning Juvenile Reentry and Education
10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils
10-233c Suspension of pupils
10-233d Expulsion of pupils
10-233k Notification of school officials of potentially dangerous students. (as amended by PA 01-176)
10-261 Definitions
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-76d-7 Admission of student requiring special education (referral)
10-204a Required immunizations (as amended by PA 98-243)
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Plyler vs. Doe, 457 U.S. 202 (1982)

Policy adopted:

rev 6/00
rev 7/01
rev 10/02
rev 11/07
rev 11/09
rev 7/11

P.A. 15-225 An Act Concerning Chronic Absenteeism

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(Background information for Policy Review Committee)

This Act requires boards of education to monitor and address absenteeism rates in schools. Specifically, boards are required to:

1. Establish attendance review teams for their school district or individual schools when chronic absenteeism rates reach a certain percentage; and
2. Report annually to the Commissioner of Education the number of truant and chronically absent students for each school and the entire district.

The legislation also requires the State Department of Education (SDE), along with the Interagency Council for Ending the Achievement Gap to develop a chronic absenteeism prevention and intervention plan by January 1, 2016 for local school boards to use.

The Act also expands the children's probate court truancy clinics that currently are pilot programs limited to the Waterbury and New Haven probate courts. The legislation instead allows the probate court administrator to establish truancy clinics without pilot limitations within probate courts serving towns designated as alliance districts.

Attendance Review Teams

Boards of education are required by this legislation to establish attendance review teams when chronic absenteeism rates in the district or at individual schools in the district reach a certain rate.

Terminology and Formulas

The legislation defines "absence" as either an (1) excused, unexcused, or disciplinary absence or (2) in-school suspension for at least half a school day. The State Board of Education is required to define "disciplinary absence" by January 1, 2016 to help boards of education comply with this law and calculate district and school chronic absenteeism rates.

A "chronically absent child" means a child whose total number of absences at any time during a school year meets or exceeds 10 percent of the total days the student has been enrolled during that school year.

The Act calculates chronic absenteeism rates similarly for school districts and individual schools within districts. It calculates a "district chronic absenteeism rate" by dividing the total number of chronically absent children enrolled in a school district in the previous school year by the total number of children enrolled in that district in the previous school year. It calculates a "school chronic absenteeism rate" by dividing the total number of chronically absent children for a school in the previous school year by the total number of children enrolled in that school for the previous school year.

Establishment of Attendance Teams

Boards of education must establish attendance teams under 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; and

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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.

Membership of Attendance Teams

Attendance review teams may consist of school administrators, guidance 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.

Duties of Attendance Review Teams

The Act requires attendance review teams to meet at least monthly and perform the following duties:

1. Review the cases of truants and chronically absent children;
2. Discuss school interventions and community referrals for truants and chronically absent children; and
3. Make any additional recommendations for such children.

Reporting of Chronic Absenteeism

The legislation adds a new data element to boards of education's strategic school profile reports. Boards of education are required to include in their profile the number of (1) truants and (2) chronically absent children, which is more specific than the general truancy data required under previous law.

Chronic Absenteeism Prevention and Intervention Plan

The legislation requires SDE's chronic absenteeism and prevention plan to include the following elements:

1. Information describing (a) chronic absenteeism, including the definition of "chronically absent child" and (b) causes of chronic absenteeism, such as poverty, violence, poor health, and lack of access to transportation;
2. Information about the effect of chronic absenteeism on a student's academic performance;
3. A description of how family and school partnerships with community resources, such as family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance; and
4. A means of collecting and analyzing data relating to student attendance.

The means for data collection and analysis should be for:

1. disaggregating the data by school district, school, grade, and subgroup, such as race, ethnicity, gender, eligibility for free or reduced price lunches, and students whose primary language is not English; and
2. assisting boards of education in (a) tracking chronic absenteeism over multiple years and for the current school year, (b) developing indicators to identify students at risk of being chronically absent, (c) monitoring students' attendance over time, and (d) making adjustments to interventions as they are being implemented.

P.A. 15-225 An Act Concerning Chronic Absenteeism

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The legislation allows the plan to include the following elements:

1. A research-based, data-driven mentorship model that addresses and attempts to reduce chronic absenteeism using mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers, and community partners; and
2. Incentives and rewards that recognize schools and students that improve attendance and reduce the school chronic absenteeism rate.

Truancy Clinics

The Act expands the children's probate court truancy clinics that are pilot programs currently limited to the Waterbury and New Haven probate courts. It removes the pilot limitation and permits the probate court administrator to establish clinics within regional children's probate courts serving a town designated as an alliance district or any probate court serving a town designated as an alliance district that is not served by a regional children's probate court.

Each probate court judge that has established a truancy clinic is required to file a report with the probate court administrator assessing the effectiveness of each clinic in the judge's respective court. The first report is due September 1, 2015 and annually thereafter. Previous law requires such reports from the pilot program truancy clinics.

This legislation is effective July 1, 2015.

Policy Implications

This new legislation impacts policy #5113, "Attendance and Excuses," and policy #5113.2, "Truancy," which have been revised.

Existing policy, #5112 adopted 6/11/13 recodified with required addition of section pertaining to "Chronic Absenteeism" as required by PA 15-225. In addition, existing policies #5116, 5121 and 5114 have been made a part of this policy.

Students

Attendance/Excuses/Dismissal

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 or an in-school suspension that is greater than or equal to one-half of a school day.

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 (continued)

Excused Absence

For absences one through nine, an absence shall be considered “excused” when a child does not attend school and appropriate documentation is provided by the student’s parent/guardian approving the absence, due to:

- A. Illness or injury,
- B. Death in the immediate family,
- C. Religious obligation,
- D. Court appearance,
- E. School sponsored activity,
- F. Lack of transportation that is normally provided by a district other than the one the students attends, (This reason does not require documentation.)
- G. An emergency, or
- H. Other exceptional circumstances and extraordinary educational opportunities preapproved by a District administrator and in accordance with 5DB guidelines. Written excuse for such absences should be submitted to school officials by the child’s parent or guardian. All other absences with or without written explanation shall be considered unexcused.

For the tenth absence and all absences thereafter, a student’s absences from school are considered excused for the following reasons:

- A. Student illness (must be verified by a licensed medical professional to be deemed excused, regardless of the length of the absence);
- B. Student’s observance of a religious holiday;
- C. Death in the student’s family or other emergency beyond the control of the student’s family;
- D. Mandated court appearances (documentation required);
- E. The lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation required);
- F. Extraordinary educational opportunities pre-approved by District Administration and to be in accordance with Connecticut State Department of Education guidance.

A student’s absence from school shall be considered unexcused unless:

- A. The absence meets the definition of an excused absence and meets the documentation requirements; or
- B. 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.

Students

Attendance/Excuses/Dismissal

Excused Absence (continued)

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

Unexcused Absence

Board policy with respect to unexcused absences stresses prevention and inquiry leading to remediation of absences. The schools will make all reasonable efforts to keep parents/guardians and students informed as to attendance problems and will make all reasonable efforts to help students improve their attendance when such improvement is warranted. Only when all local resources are exhausted is referral to legal authorities recommended.

A student's absence from school shall be considered "unexcused" unless the absence meets the definitions, listed above, for an "excused" absence, including the documentation requirements; or if the absence is the result of school or District disciplinary action.

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;

The membership of attendance review teams may consist of school administrators, guidance 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 truant.

Students

Attendance/Excuses/Dismissal

Chronic Absenteeism (continued)

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 when it becomes available. *(SDE to develop by 1/1/16.)*

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.)*

Release of Student During School Day/Dismissal

The Board recognizes the need for students to be in school for the full instructional day. It is encouraged that early dismissal should be requested only in emergency or unusual situations.

Request for release of a student during the school day originating outside the schools must be handled by the administration to ensure maximum provisions for the safety and welfare of the student.

Students who become ill during the school day may be excused by the school nurse. School personnel will notify parent/guardian to arrange transportation.

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.

Students

Attendance/Excuses/Dismissal (continued)

Truancy

The Board of Education must provide each child with a continuing education which will prepare the student to assume adult roles and responsibilities. Therefore, regular attendance and punctuality are expected from all children enrolled in our schools. By statute, responsibility for assuring that students attend school rests with the parent(s)/guardian(s) or other person having control of the child. Every effort must be made to keep absences and tardiness to a minimum. To assist parent(s)/guardian(s) and others in meeting this responsibility, the Board of Education has developed the following procedures regarding students ages five (5) to eighteen (18) inclusive.

1. Notify parents/guardians or other person having control of each child enrolled, ages five (5) to eighteen (18) inclusive, in writing, of the obligations of the parents/guardians pursuant to student attendance (C.G.S. 10-184).
2. Obtain from each parent/guardian or other persons having control of an enrolled child a telephone number or other means of contacting such parent/guardian or other person during the school day.
3. Establish a system for monitoring student's individual absences/tardies.
4. Notify, by telephone, email, or mail the parent(s)/guardian(s) or other such person(s) whenever a child fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent/guardian or other person is aware of the student's absence.
5. Identify a student as "truant" when the student has four (4) unexcused absences in any one month or ten (10) unexcused absences in any school year.
6. Hold a meeting with appropriate staff and the parent/guardian or other person having control of the child identified as a "truant" within ten (10) days of such designation to review the reasons for the truant behavior and to evaluate the situation.
7. Referral will be made to the PPT to determine whether or not an educational evaluation is appropriate, prior to filing a written complaint with the Superior Court.
8. File a written complaint by the Superintendent with the Superior Court alleging that the acts or omissions of any child identified as a "truant" are such that the student's family is a "family with service needs" if the parent or other person having control of the child identified as "truant" fails:
 - a. to attend the required meeting to evaluate why the child's truant or
 - b. to cooperate with the school in trying to solve the truancy problem.
9. Provide for the coordination of services and refer enrolled students who are truants to community agencies providing child and family services.

Students

Attendance/Excuses/Dismissal

Truancy (continued)

A student who is identified as a “truant” may be subject to the following consequences:

- A. Promotion to the next grade may be contingent upon the student successfully completing a summer school program.
- B. The student may be retained in the same grade in order to acquire the skills necessary for promotion to the next grade level.

High School Attendance

The purpose of this policy is to encourage school and/or class attendance in order to have students maximize their educational opportunities. Regular, uninterrupted attendance at school and/or class is essential to successful learning.

Students enrolled in a Fairfield high school who exceed the permitted number of unexcused absences from school or class may lose credit for that class or classes. ~~as specified in the Administrative Regulations on Attendance (5116AR).~~

Attendance Records

The professional staff of each school shall keep an attendance record of students in their charge.

Regularity of Attendance

Regular, uninterrupted attendance at school and/or class is essential to successful learning. In accordance with Connecticut General Statutes, the Board may appoint one (1) or more persons, who shall be authorized to prosecute for violations of the laws relating to attendance of children and their employment. All warrants issued upon such prosecutions shall be returnable before any court having jurisdiction.

Legal Reference: Connecticut General Statutes
 10-184 Duties of parents. (as amended by PA 98-243 and PA 00-157)
~~10-185 Penalty~~
 10-198a Policies and procedures concerning truants (as amended by PA 00-157, PA 11-136 and PA 14-198)
 10-199 through 10-202 Attendance, truancy in general. (Revised 1995 - PA 95-304)
~~10-220(c) Duties of boards of education (as amended by PA 15-225)~~

Students

Attendance/Excuses/Dismissal

Legal Reference: Connecticut General Statutes (continued)
10-221(b) Board of education to prescribe rules.
Campbell v. New Milford, 193 Conn93 (1984).
Action taken by 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: August 27, 2004
Policy revised: June 11, 2014
Policy revised:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut