

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**

**Monday, June 5, 2017**  
**4:15 p.m.**  
501 Kings Highway East  
Superintendent's Conference Room

**Agenda**

- I. Call to Order
- II. Approval of May 22, 2017 Meeting Minutes
- III. Policy
  - 4112.5/ 4212.5 Security Check / Fingerprinting (returned to committee by BOE)
  - 5144.1 Use of Physical Force (returned to committee by BOE)
  - 6142.101 Wellness
  - 4118.51/4218.51 Use of Social Networking Sites by Staff
  - 1311.1 / 1311.2 Political Activities in School / on School Property
  - 1230 Parent Organizations and Booster Clubs
- 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. See approved calendar*

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

BOARD OF EDUCATION  
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**Policy Committee Meeting**

**Monday, May 22, 2017**  
**4:15 p.m.**  
501 Kings Highway East  
Superintendent's Conference Room

**Minutes**

- I. Call to Order 4:15 PM
- II. Present: Jennifer Kennelly (Chair), Trisha Pytko, James Coyne (Administration)  
Absent: Donna Karnal
- III. Approval of May 15, 2017 Meeting Minutes - Approved 2-0
- IV. Policy
  - 6142.101 Wellness  
Discussion of the differences between the proposed policy and the existing one. Carried over to June 5 Policy Committee meeting.
  - 4118.51/4218.51 Use of Social Networking Sites by Staff  
Discussion of issues in several sample policies. Referred policy to Technology Steering Committee for feedback and suggestions. Carried over to June 5 Policy Committee meeting.
  - 1311.1 / 1311.2 Political Activities in School / on School Property  
Discussion begun on two sample policies form CABA. Carried over to June 5 Policy Committee Meeting.
- V. Open Discussion/Public Comment  
No Open Discussion. No members of the public present at this meeting
- VI. Adjournment 5:30 PM
- VII. Future Items
  - 1230 Parent Organizations and Booster Clubs

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

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

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

### **Security Check/Fingerprinting**

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the District shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired.

Applicants, as required, shall disclose (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

Prior to hiring any applicant, the District will (1) ensure that the above stated three requirements are completed; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

District employees shall within 30 days after they are hired submit to state and national criminal checks which include fingerprinting. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

School nurses and nurse practitioners appointed by the Fairfield Board of Health shall also submit to a criminal history check pursuant to C.G.S. 29-17a. The District is responsible for initiating the background check.

Student teachers and interns placed in District schools as part of completing preparation requirements for the issuance of an educator certificate, shall also be required to undergo the same criminal background checks already required for school employees.

### **Criminal Justice Information**

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

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

### **Security Check/Fingerprinting**

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93 and PA 16-67)

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

# P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

Page 1

## *(Background Information for Policy Review Committee)*

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This Act explicitly extends laws on restraint and seclusion to most public school students in grades K through 12. Currently, these laws apply predominantly to students receiving special education services.

The Act prohibits teachers, administrators, and other public school employees from using life-threatening physical restraints on any student, limits how long students can be kept in allowable physical restraints or seclusion, and specifies the types of locations in which a student may be secluded.

It bars school employees from using physical restraints on students or placing students in seclusion, unless the employees have been properly trained, and requires school boards to develop policies and procedures to (1) provide this training and (2) establish monitoring and internal reporting of the use of physical restraints and seclusion. It requires training for school professionals, paraprofessionals, and administrators to be phased in over three years, beginning with the July 1, 2015 school year. (Coaches, substitute teachers and superintendents are excluded from this training.)

It requires school boards to notify parents and guardians no later than 24 hours after a child has been placed in physical restraint or in seclusion, and to make a reasonable effort to notify them immediately after beginning the physical restraint or seclusion.

It requires school boards to take certain steps for students placed in physical restraint or seclusion four or more times in 20 school days. And, as under existing law, it limits when school employees may administer certain medication to students.

In addition, the Act also requires school boards to identify, by July 1, 2015 crisis intervention teams to respond to incidents of physical restraint or seclusion; adds reporting requirements; and requires the State Board of Education (SBE) to adopt or revise regulations on the use of physical restraint and seclusion.

The legislation does not limit the justified use of physical force by local, state, or federal law enforcement officials performing their duties.

**School Employee:** The legislation defines a “school employee.” The definition is listed in the new sample policy which follows.

**Students:** The Act applies to children:

1. in public schools enrolled in kindergarten through 12<sup>th</sup> grade;
2. receiving special education and related services in an institution or facility operating under contract with a school board;
3. enrolled in a program or school administered by a regional education service center; or
4. receiving special education and related services from an approved private special education program.

**Prohibition of Life Threatening Physical Restraints:** School employees may not use a life threatening physical restraint on a student. This is a restraint or hold that either restricts air flow to a student’s lungs, whether by compressing the student’s chest or otherwise, or immobilizes or reduces a prone student’s ability to freely move his or her arms, legs, or head.

## P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

Page 2

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**Limited Use of Allowed Physical Restraint:** A school employee may use physical restraint only in emergencies to prevent immediate or imminent injury to a student or others. Physical restraint may not be used to discipline a student, because it is convenient or instead of a less restrictive alternative.

A student placed in physical restraint must be continually monitored by a school employee to regularly evaluate the student for signs of physical distress. The employee conducting the evaluation must enter the evaluation in the student's educational record. Monitoring can be done either through direct observation or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.

"Physical restraint" is defined as any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head. It does not include:

1. briefly holding a student to calm or comfort him or her;
2. restraint involving the minimum contact needed to safely escort a student from one place to another;
3. medical devices, including supports prescribed by a health care provider to achieve proper body position or balance;
4. helmets or other protective gear that protects a student from being injured in a fall; or
5. helmets, mitts, and similar devices used to prevent self-injury which are the least restrictive means available to prevent the self-injury and are (a) part of a documented treatment plan or individualized education program (IEP) or (b) prescribed or recommended by a medical professional.

**Seclusion and Its Use:** Seclusion is a student's involuntary confinement in a room, whether alone or supervised, in a way that prevents the student from leaving. School employees may not place a student in seclusion except to prevent immediate or imminent injury to the student or others. An employee may not use seclusion to discipline a student, because it is convenient, or instead of a less restrictive alternative. The inclusion of seclusion in a student's individualized education program is prohibited.

A student in seclusion must be frequently monitored by a school employee. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area. Students in seclusion can be monitored either through direct observation (presumably from another room) or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.

A school employee must regularly evaluate the secluded student for signs of physical distress, and the employee conducting the evaluation must enter the evaluation in the student's educational record.

**Time Limit on Use of Physical Restraints and Seclusion:** A student may not be placed in physical restraint or in seclusion for longer than 15 minutes, except this may be extended for additional periods of up to 30 minutes each, if a (1) school administrator or his or her designee, (2) school health or mental health professional, or (3) board certified behavioral analyst trained in the use of physical restraint and seclusion, determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or others.

## P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

Page 3

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The administrator, health or mental health professional or behavioral analyst must make a new determination for every 30 minutes a child is physically restrained or secluded.

**Frequent Use of Restraint or Seclusion:** The Act specifies procedures that schools must follow in cases where a student is placed in physical restraint or seclusion four or more times in 20 school days.

In cases where such a student is requiring special education services or is being evaluated for such services and awaiting a determination, the student's planning and placement team must meet to (1) conduct or revise the student's behavioral assessment and (2) create or revise any applicable behavioral intervention plan, including the student's IEP.

For all other students, a school administrator, at least one of the student's teachers, the student's parent or guardian, and, if any, a mental health professional, must meet to (1) conduct or revise the student's behavioral assessment, (2) create or revise any applicable behavioral intervention plan, and (3) determine if the student may require special education services.

**Parental Notification:** The school district must make a reasonable effort to notify a student's parent or guardian immediately after the student is first physically restrained or placed in seclusion, and it must do so no later than 24 hours after the student was placed in restraint or seclusion.

**Administering Medication:** School employees may not administer any medication that affects the central nervous system and influences thinking, emotion, or behavior to any student without that child's consent. However, the employee may do this without such consent (1) in an emergency to prevent immediate or imminent injury to the child or someone else or (2) as an integral part of the child's established medical or behavioral support or educational plan. If there is no such plan, the employee may administer the medication without the student's consent under the initial orders of a licensed practitioner. The use of medication, alone or in combination, may be used only in therapeutically appropriate doses and not as a substitute for other appropriate treatment.

**Training on the Use of Physical Restraint and Seclusion:** A school employee may not place a student in physical restraint or seclusion unless he/she has received training in their proper use. School professionals, paraprofessionals, and administrators must receive training in both the prevention of incidents requiring physical restraint or seclusion and the proper way to physically restrain or seclude someone. The training must be phased in over three years, beginning with the July 1, 2015 school year.

**Prevention Training Plan:** Boards of education must create a plan to provide school professionals, paraprofessionals, and administrators with training and professional development on preventing incidents requiring physical restraint or seclusion. This plan must be implemented by July 1, 2017 and provide for the training of these individuals by July 1, 2019.

**Proper Use of Physical Restraint or Seclusion:** Boards of education must create a plan to provide school professionals, paraprofessionals, and administrators, with training and professional development on the proper way to physically restrain or seclude a student.



## P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

Page 4

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This plan must include:

1. various types of physical restraint and seclusion;
2. the differences between (a) life threatening physical restraint and other forms of physical restraint and (b) permissible physical restraint and pain compliance techniques; and
3. monitoring methods to prevent harm to a physically restrained or secluded student.

This training plan must be implemented by July 1, 2017 and provide for the training of all school professionals, paraprofessionals, and administrators by July 1, 2019, and periodically thereafter, as the Commissioner of Education prescribes.

**Crisis Intervention Teams:** By July 1, 2015 and annually thereafter, boards of education must require each school to identify a crisis intervention team of school professionals, paraprofessionals, and administrators trained in the use of physical restraint and seclusion under existing law. These teams must respond to any incident requiring physical restraint or seclusion. Each team member must be annually recertified in the proper use of physical restraint and seclusion.

**Monitoring, Reporting, and Regulations:** Boards of education are required to develop policies and procedures to provide this training and establish monitoring and internal reporting of the use of physical restraints and seclusion. These policies and procedures are to be on district websites and in procedural manuals.

The SBE must adopt or revise regulations on the use of physical restraint and seclusion. No later than 60 days after the adoption or revising the regulations, each school board must update its policies on restraint and seclusion and make these updated policies and procedures available on its website and procedures manual.

**Physical Injury:** If restraint or seclusion causes the student physical injury, the school board, institution, or facility providing special education services under contract with a school board, or approved private special education program, must report the incident to SBE.

**Recording and Reporting Requirements:** As previously noted, the Act requires school boards and institutions and facilities to record each instance of the use of physical restraint or seclusion on a student and specify whether the use of seclusion was according to the student's IEP, if applicable, or physical restraint was an emergency, including the nature of the emergency. Beginning July 1, 2016, they must include this information in an annual compilation of their use of restraint and seclusion on students.

The legislation requires SBE, in preparing its annual report to specify if any student placed in physical restraint or seclusion is a special education student and, if so, whether the restraint or seclusion was used according to an IEP or was in an emergency. The Act requires SBE to submit the report annually, starting by January 15, 2017, to both the Education and Children's Committees. School boards, institutions, and facilities, and approved private special education programs must also send such annual reports to SDE for the purposes of its pilot program examining incidents of physical restraint and seclusion in schools.

## P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

Page 5

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**Pilot Program:** The Act requires SDE, for the school year beginning July 1, 2015, to establish a pilot program in various districts. Under the pilot program, SDE must examine incidents of physical restraint and seclusion in schools and compile and analyze data on these incidents to help SDE better understand and respond to them.

**Student's Educational Record:** Any use of physical restraint or seclusion must be documented in the student's educational record. The documentation must include, in the case of emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were signs that such an emergency might occur. It also must include a detailed description of the nature of the restraint or seclusion, how long it lasted, and its effect on the student's established educational plan.

**Use of Physical Force as a Defense:** By law, the use of physical force on another person that would otherwise constitute an offense is justifiable in certain circumstances. For example, a teacher may use reasonable physical force on a minor to the extent he or she reasonably believes it is necessary to (1) protect himself or others from immediate physical injury; (2) obtain possession of a dangerous instrument or controlled substance on or in the control of the minor; (3) protect property from physical damage; or (4) restrain the minor or remove him or her to another area, to maintain order (CGS §53a-18(6)).

Under CGS §53a-19, an individual is generally justified in using reasonable physical force on someone else to defend himself or herself or a third person from what the individual reasonably believes to be the use or imminent use of physical force. With some exceptions, a person may use deadly physical force if he or she reasonably believes another person is (1) using or about to use deadly physical force or (2) inflicting or about to inflict great bodily harm.

This legislation became effective July 1, 2015.

### **Policy Implications**

Policy #5144.1, "Physical Restraints/ Seclusion," and its accompanying administrative regulation pertain to this topic. Existing samples have been replaced to reflect the detailed new legislation and follow for your consideration.

This new legislation requires boards of education to develop policies and procedures (administrative regulations) that establish monitoring and internal reporting of the use of physical restraint and seclusion. Such policies and procedures, by law, are to be posted on the District's website and in the procedures manual of the board.

In addition, the appendix to policy #4131, "Staff Development," has also been updated. This appendix lists the required topics for in-service training of staff.

***The requirement of this legislation that the SBE shall adopt or revise regulations pertaining to the use of physical restraint and seclusion could impact these samples.***

***August 2015***

*A new policy to consider. P.A. 15-141 requires boards of education to have a policy and procedure pertaining to this topic.*

## **Students**

### **Use of Physical Force**

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm. (*Alternative language: “to use reasonable restraint or place a student in seclusion to provide a safe environment for students.”*)

### **Definitions**

**Life-threatening physical restraint** means any physical restraint or hold of a person that restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person’s arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut’s special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district’s schools, pursuant to a contract with the board of education.

## Students

### Use of Physical Force

### Physical Restraint/Seclusion

#### Definitions (continued)

**Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

**Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

#### Conditions Pertaining to the Use of Physical Restraint and/or Seclusion

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
  - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
  - b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.

## Students

### Use of Physical Force

### Physical Restraint/Seclusion

#### Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
  - a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.
  - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

#### Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- H. Beginning July 1, 2016, the Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
- a. Record each instance of the use of physical restraint or seclusion on a student;
  - b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
- a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

#### Required Training and Prevention Training Plan

Training shall be provided by the Board to school professionals, paraprofessional staff members and administrators regarding physical restraint and seclusion of students. Such training shall be phased in over a period of three years beginning with the school year commencing July 1, 2015, and shall include, but not be limited to:

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

#### Required Training and Prevention Training Plan (continued)

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students. *(Such overview is to be provided by the Department of Education on or after July 1, 2015, and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)*
2. The creation of a plan by which the Board will provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2017, and must include a provision to require the training of all school professionals, paraprofessional staff members and administrators in the prevention of such incidents not later than July 1, 2019 and periodically thereafter as prescribed by the Commissioner of Education.
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3. The Board will create a plan, to be implemented not later than July 1, 2017, requiring the training of all school professionals, paraprofessional staff members and administrators by regarding the proper means of physically restraining or secluding a student, including, but not limited to:
  - a. Verbal defusing and de-escalation;
  - b. Prevention strategies;
  - c. Various types of physical restraint and seclusion;
  - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  - e. The differences between permissible physical restraint and pain compliance techniques; and
  - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
  - g. Recording and reporting procedures on the use of physical restraint and seclusion.

## **Students**

### **Use of Physical Force**

#### **Physical Restraint/Seclusion**

#### **Crisis Intervention Teams**

Annually, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of school professionals, paraprofessional staff members and administrators trained in the use of physical restraint and seclusion.

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.

#### **Dissemination of Policy**

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.



## Students

### Use of Physical Force

Legal Reference: Connecticut General Statutes (continued)

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Policy adopted:

cps 7/15  
rev 5/16

**Public Schools**  
**Physical Restraint Report Form**

**Note:** This report is required to be submitted to the Principal/Director of Special Education as soon as practicable after an incident involving physical restraint, but in no event later than 24 hours after the incident. Any use of physical restraint is to be documented in the child's educational record and, if appropriate, in the child's school health record.

**Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term **DOES NOT INCLUDE:** (A) briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to state special education statutes.

**STUDENT INFORMATION:**

Name of Student: \_\_\_\_\_ Date of Restraint: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: M/F \_\_\_\_\_ Grade Level: \_\_\_\_\_

Does student currently receive special education services or is the student being evaluated for eligibility for special education services? Yes: \_\_\_ No: \_\_\_ School: \_\_\_\_\_

Date of this report: \_\_\_\_\_ Site of physical restraint: \_\_\_\_\_

This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_

**Staff administering restraint:**

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

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

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

**Staff monitoring restraint:**

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

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

**Administrator who was verbally informed following the restraint:**

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

Reported by: \_\_\_\_\_ Title: \_\_\_\_\_

**PRECIPITATING ACTIVITY:**

Description of activity in which the restrained or other students were engaged immediately preceding emergency use of physical restraint: *(A student may not be placed in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or others. Restraint may not be used to discipline a student, because it is convenient or instead of a less restrictive environment.)*

Description of the risk of immediate or imminent injury to the student restrained or others that required use of physical restraint:

Description of other steps, including attempts at verbal deescalation, to prevent the emergency necessitating use of restraint:

**DESCRIPTION OF PHYSICAL RESTRAINT:**

Justification for initiating physical restraint *(check all that apply)*:

- Non-physical interventions were not effective
- To protect student from immediate or imminent injury
- To protect other student/staff from immediate or imminent injury

Type of protective hold used:

- Side by side parallel hold
- Lifted and carried (full security hold)
- Held in chair (reverse cradle transport)
- Floor control
- Other *(describe)*

Regular evaluation of the student being restrained for signs of physical distress:

Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____

Time restraint began: \_\_\_\_\_ Time restraint ended: \_\_\_\_\_

Total time (in minutes): \_\_\_\_\_

**CESSATION OF RESTRAINT:**

How restraint ended (*check all that apply*):

- Determination by staff member that student was no longer a risk to himself/herself or others
- Intervention by administrator(s) to facilitate deescalation
- Law enforcement personnel arrived
- Staff sought in-house assistance
- Community emergency personnel arrived
- Other (*describe*):

**Description of any injury to student and/or staff and any medical or first aid care provided:**

Time medical staff checked injured person: \_\_\_\_\_

Medical staff actions: \_\_\_\_\_

Medical staff name: \_\_\_\_\_

Incident report was filed with the following school district official:

\_\_\_\_\_

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

**FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary)**

The school will take the following actions (*check all that apply*)

- Review incident with student to address behavior that precipitated the restraint
- Debrief staff regarding incident
- Consider whether follow-up is necessary for students who witnessed the incident
- Further contact with parents (*describe*):

- Convene Crisis Intervention Team Meeting
- Convene PPT to review/revise behavior intervention plan and/or IEP
- Convene PPT to discuss functional behavior assessment

**PARENT/GUARDIAN NOTIFICATION** *(required for all restraints):*

Parent who was verbally informed of this restraint:

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

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

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

Notice mailed to Parent: Yes \_\_\_\_\_ No \_\_\_\_\_

Mailed by: \_\_\_\_\_ Title: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Principal/Program Administrator/ Team Leader)

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Director of Special Education)

**FOR PRINCIPAL/DIRECTOR OR DESIGNEE USE ONLY**

Reviewed physical restraint report

Reviewed behavior plan, if applicable

In considering the effect of the restraint on the student's educational plan, I find the following:

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\_\_\_\_\_ **Public Schools**  
**Seclusion Report Form**

**Note:** This report is required to be submitted to the Director of Special Education as soon as practicable after an incident involving the seclusion of a student, but in no event later than 24 hours after the incident. Any use of seclusion is to be documented in the child's educational record, and, if appropriate, in the child's school health record.

**Seclusion:** *The involuntary confinement of a student in a room, whether alone or with supervision by a Board of Education employee, in a manner that prevents the student from leaving. (A student may not be placed in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or others. Seclusion may not be used to discipline a student, because it is convenient or instead of a less restrictive environment.)*

**STUDENT INFORMATION:**

Name of Student: \_\_\_\_\_ Date of seclusion: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: M/F \_\_\_\_\_ Grade Level: \_\_\_\_\_

Does student currently receive special education services or is the student being evaluated for eligibility for special education services? Yes: \_\_\_ No: \_\_\_ School: \_\_\_\_\_

Date of this report: \_\_\_\_\_ Site of seclusion: \_\_\_\_\_

This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_

**Staff placing student in seclusion:**

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

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

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

**Staff monitoring seclusion:**

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

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

**Administrator who was verbally informed following the seclusion:**

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

Reported by: \_\_\_\_\_ Title: \_\_\_\_\_

**PRECIPITATING ACTIVITY/DESCRIPTION OF SECLUSION:**

Does the student have an IEP which includes the use of seclusion? Yes \_\_\_\_ No \_\_\_\_

**If No:** Description of the risk of immediate or imminent injury to the student secluded or others that required use of seclusion.

**If Yes or No:** Description of other steps, including attempts at verbal deescalation, to prevent the use of seclusion:

**MONITORING OF SECLUSION**

Regular evaluation of the student being secluded for signs of physical distress:

Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____
Time: _____	Evaluation: _____

Time seclusion began: \_\_\_\_\_ Time seclusion ended: \_\_\_\_\_  
Total time (in minutes): \_\_\_\_\_

**CESSATION OF SECLUSION:**

How seclusion ended (*check all that apply*):

- Determination by staff member that student was no longer a risk to himself/herself or others
- Intervention by administrator(s) to facilitate deescalation
- Law enforcement personnel arrived
- Staff sought in-house assistance
- Community emergency personnel arrived
- Termination per instruction in IEP/behavior plan
- Other (*describe*):

**Description of any injury to student and/or staff and any medical or first aid care provided:**

Time medical staff checked injured person: \_\_\_\_\_

Medical staff actions: \_\_\_\_\_

Medical staff name: \_\_\_\_\_

Incident report was filed with the following school district official:

\_\_\_\_\_

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

**FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary)**

The school will take the following actions (*check all that apply*)

- Review incident with student to address behavior that precipitated the seclusion
- Debrief staff regarding incident
- Consider whether follow-up is necessary for students who witnessed the incident
- Further contact with parents (*describe*):

- Convene Crisis Team Meeting
- Convene PPT to review/revise behavior intervention plan and/or IEP
- Convene PPT to discuss functional behavior assessment

**PARENT/GUARDIAN NOTIFICATION (*required for all seclusions*):**

Parent who was verbally informed of this seclusion:

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

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

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

Notice mailed to Parent: Yes \_\_\_\_\_ No \_\_\_\_\_

Mailed by: \_\_\_\_\_ Title: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Program Administrator/ Team Leader)

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Director of Special Education)



**FOR DIRECTOR OR DESIGNEE USE ONLY**

- Reviewed seclusion report
- Reviewed behavior plan, if applicable
- In considering the effect of the seclusion on the student's established behavioral support of educational plan, I find the following: \_\_\_\_\_

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(STATE INCIDENT REPORTING FORM)

**Report of Seclusion or Restraint  
Incident Report**

School District: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Phone: \_\_\_\_\_  
Name and Title of Person Preparing the report: \_\_\_\_\_  
Incident: Seclusion \_\_\_\_\_ Restraint \_\_\_\_\_  
Name of Student: \_\_\_\_\_ Student Disability: \_\_\_\_\_  
Birth Date of Student: \_\_\_\_\_ Male/Female Race: \_\_\_\_\_

Describe the nature and use of seclusion: (Identify the emergency that necessitated the use of seclusion and how long the student was in seclusion.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature and use of restraint: (Identify the emergency that necessitated the use of restraint, time in restraint and type of restraint used.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the parent contacted within twenty-four hours of the use seclusion or restraint as an emergency intervention to prevent immediate or imminent injury to the person or others?

Yes \_\_\_\_\_ No \_\_\_\_\_ If "No", did the parent receive a copy of the incident report no later than five days from the date of the incident? Yes \_\_\_\_\_ No \_\_\_\_\_

Was the student injured during the emergency use of restraint or seclusion?  
Yes \_\_\_ No \_\_\_ If "Yes", complete and attach a Report of Injury.

## RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

The following sets forth Connecticut law related to the physical restraint and seclusion of persons at risk, which can be found in Public Act 07-157, amending Connecticut General Statutes Sections 46a-150 through 46a-153, 10-76b, and 10-76d and Public Act 15-141. The [ ] Board of Education mandates compliance with these laws at all times.

### I. The following definitions apply to these procedures:

- **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- **School employee** means a teacher, substitute teacher, school administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the board of education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.
- **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.
- **Provider:** A person who provides direct care, or supervision of a person at risk.
- **Assistant Provider or Assistant:** A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider or supervision of a person at risk.
- **Person at Risk:** A person receiving care or supervision in an institution or facility operated by, licensed or authorized to operate by or operating pursuant to a contract with the Departments of Public Health, Developmental Services, Children and Families or Mental Health Addiction Services.
- **Life Threatening Physical Restraint:** Any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means.

## RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

### Definitions (continued)

- **Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. **The term does not include:** (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; or (E) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury.
- **Seclusion:** The confinement of a person in a room, whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room.

## II. Procedures for Physical Restraint of Persons at Risk

No school employee, provider or assistant shall under any circumstance use a life-threatening physical restraint on a person at risk.

No school employee, provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.

Physical restraint of a student or person at risk shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.

### Monitoring

A school employee, provider or an assistant must continually monitor any student or person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.

A school employee, provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person being restrained.

## RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

### **Documentation and Communication**

A school employee or provider must notify the parent or guardian of a student or person at risk of each incident that the person at risk is physically restrained.

The School Administrator/Director of Special Education must be notified of the following:

- a. each use of physical restraint;
- b. the nature of the emergency that necessitated its use; AND
- c. if the physical restraint resulted in physical injury;

After a physical restraint occurs, the following information must be documented in the educational file of the student who was physically restrained:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the restraint;
- c. the duration of the restraint; AND
- d. the effect of the restraint on the person's established behavioral support or educational plan.

### **III. Procedures for Seclusion of a Student**

No school employee shall use involuntary seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.

Seclusion of a student shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using seclusion. An Individualized Education Program Team ("IEP Team") may not incorporate the use of seclusion into a child's IEP.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion.

#### **Monitoring**

A school employee, provider or an assistant must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by direct observation of the student.

A school employee, provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person who is in seclusion.

## **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

### **III. Procedures for Seclusion of a Student (continued)**

#### **Documentation and Communication**

A school employee, provider must notify the parent or guardian of a student of each incident that the student is placed in seclusion.

The Principal/Director of Special Education must be notified of the following:

- a. each use of seclusion on a student;
- b. the nature of the emergency that necessitated its use;
- c. if the seclusion resulted in physical injury to the student; and

After seclusion occurs, the following information must be documented in the educational file of the student who was placed in seclusion:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the seclusion;
- c. the duration of the seclusion; AND
- d. the effect of the seclusion on the person's established behavioral support or educational plan.

### **IV. Responsibilities of the Superintendent/Director of Special Education**

The Superintendent/Director of Special Education, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District and the nature of each instance of physical restraint and seclusion.

The Superintendent/Director of Special Education, or his or her designee, shall report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk.

The Director of Special Education, or his or her designee, must, at each initial IEP Team meeting for a child, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.

## **RESTRAINT AND SECLUSION LAWS IN CONNECTICUT**

### **V. Responsibilities of the Connecticut State Board of Education**

The State Board of Education shall review the annual compilation of each local and regional board of education and shall produce an annual summary report identifying the frequency of use of physical restraint or seclusion on students and specifying whether the use of such seclusion was in accordance with an individualized education program (IEP) or whether the use of such physical restraint or such seclusion was an emergency. Such report shall be submitted on an annual basis as specified by the Department of Education.

The State Board of Education and the Commissioner receiving a report of serious injury or death resulting from a physical restraint or seclusion shall report the incident to the Director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, the Child Advocate of the Office of the Child Advocate.

The State Board of Education may regulate the use of physical restraint and seclusion of special education students in the public schools.

The State Board of Education shall adopt regulations concerning the use of physical restraint and seclusion in public schools.

*An administrative regulation for consideration.*

## **Students**

### **Use of Physical Force**

#### **Physical Restraint/Seclusion**

The Board of Education (Board) seeks to foster a safe and positive learning environment for all students. In compliance with law, Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student, where harm to the student or others is immediate or imminent.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the \_\_\_\_\_ Public Schools. The Board/Superintendent mandates compliance with this regulation and the law at all times. Violations of this regulation by a school employee or other individual working at the direction of, or under the supervision of the Board may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes §10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6).

#### **I. Definitions**

- A. **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- B. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- C. **Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.



## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

##### I. Definitions (continued)

- D. **School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the Board of Education.
- E. **Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the person from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.
- F. **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but does not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services. A special education student, ages 18 to 21 inclusive, in a transition program is also covered by these regulations.
- G. **Behavior Intervention:** Supports and other strategies developed by the Planning and Placement Team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.

##### II. Procedures for Physical Restraint of Students

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. No school employee shall use involuntary physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- C. No school employee shall use physical restraint on a student unless the school employee has received training in accordance with state law and District training plans.

## **Students**

### **Use of Physical Force**

#### **Physical Restraint/Seclusion**

#### **II. Procedures for Physical Restraint of Students (continued)**

- D. Physical restraint of a student shall never be used as a disciplinary measure, as a convenience, or instead of a less restrictive alternative.
- E. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- F. School employees are barred from placing a student in physical restraint until he or she has received training in its proper use.
- G. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.

#### **H. Monitoring**

- a. A trained school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by direct observation of the student, or by video provided the video monitoring occurs close enough for the monitor to provide assistance, if needed.
- b. A trained school employee must regularly evaluate the person being restrained for signs of physical distress. The school employee must record each evaluation in the educational record of the student being restrained.

#### **III. Procedures for Seclusion of Students**

- A. No school employee shall use involuntary seclusion on a student except as follows:
  - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  - 2. as specifically provided for in a student's behavioral plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.

#### **B. Use of Seclusion**

- 1. A school employee may not use seclusion to discipline a student, because it is convenient or instead of a less restrictive alternative.
- 2. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area.

## Students

### Use of Physical Force

### Physical Restraint/Seclusion

## III. Procedures for Seclusion of Students

### B. Use of Seclusion (continued)

3. Any room used for seclusion must:
  - a. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
  - b. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
  - c. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
  - d. be free of any object that poses a danger to the student who is being placed in the seclusion room;
  - e. conform by applicable building code requirement and have a door with a lock if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An “emergency,” for purposes of this subsection, includes but is not limited to the following:
    - i. the need to provide direct and immediate medical attention to the student;
    - ii. fire;
    - iii. the need to remove the student to a safe location during a building lockdown; or
    - iv. other critical situations that may require immediate removal of the student from seclusion to a safe location; and
  - f. Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room.

## Students

### Use of Physical Force

### Physical Restraint/Seclusion

## III. Procedures for Seclusion of Students

### B. Use of Seclusion (continued)

- g. The monitoring of students in seclusion is to be done by direct observation from another room or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.
- h. Prior to including seclusion in the behavioral plan of a special education student, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for such student in an emergency situation, the PPT shall include the assessment data and other relevant information in the behavioral plan of the student as the basis upon which a decision was made to include the use of seclusion as a behavior intervention.
- i. When seclusion is included in the behavioral plan of a special education student and is used as a behavior intervention strategy more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention. At this PPT meeting, the team may consider whether additional evaluations or assessments are necessary to address the behavior of such student and may revise the behavioral plan as appropriate.
- j. Any period of seclusion (1) shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment and (2) shall not exceed 15 minutes, except that this may be extended for additional periods of up to 30 minutes each, if the Principal or his/her designee, school health or mental health professional, or board certified behavioral analyst trained in the use of restraint and seclusion determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Such authorization is to be placed in writing. Where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.
- k. School employees, must explore all less restrictive alternatives prior to using seclusion for a student as an emergency intervention unless seclusion is being used pursuant to the behavioral plan of the student.
- l. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for students.
- m. School employees are barred from placing a student in seclusion until he/she has received training in its proper use in accordance with state law and/or District-training plans.

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion (continued)

#### IV. Required Meetings

##### A. Students not Eligible for Special Education (and not being evaluated for eligibility for special education)

1. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
  - a. conduct or revise a behavioral assessment of the student;
  - b. create or revise any applicable behavior intervention plan; and
  - c. determine whether such student may require a referral for consideration for special education.
2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

##### B. Students Eligible for Special Education (and students being evaluated for eligibility for special education)

In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, the student's PPT shall convene to:

1. conduct or revise a functional behavioral assessment ("FBA");
  2. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
  3. review or revise the student's IEP, as appropriate.
- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

#### V. Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
1. As an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  2. As an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

#### V. Use of Psychopharmacologic Agent (continued)

- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy. (5141.21)

#### VI. Training of School Employees

The Board will provide training to school professionals, paraprofessional staff members and administrators regarding physical restraint and seclusion of students. The training will be phased in over a period of three years beginning with the school year commencing July 1, 2015.

The training will include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students. Such overview shall be in a manner and form as prescribed by the State Department of Education.
2. The creation of a plan by which the Board will provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.

The plan is to be implemented not later than July 1, 2017, and must include a provision to require the training of all school professionals, paraprofessional staff members and administrators in the prevention of such incidents not later than July 1, 2019 and periodically thereafter as prescribed by the Commissioner of Education.

3. The Board will create a plan, to be implemented not later than July 1, 2017, requiring the training of all school professionals, paraprofessional staff members and administrators by regarding the proper means of physically restraining or secluding a student, including, but not limited to:
  - a. Verbal defusing or de-escalating;
  - b. Prevention strategies;
  - c. Various types of physical restraint and seclusion;
  - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;

## **Students**

### **Use of Physical Force**

#### **Physical Restraint/Seclusion**

##### **VI. Training of School Employees (continued)**

- e. The differences between permissible physical restraint and pain compliance techniques;
- f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student; and
- g. Recording and reporting procedures on the use of physical restraint and seclusion.

##### **VII. Crisis Intervention Teams**

Annually, each school shall identify a crisis intervention team. Such team shall consist of school professionals, paraprofessional staff members and administrators trained in the use of physical restraint and seclusion.

The Crisis Intervention Team will respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion annually.

This policy and procedures is available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

##### **VIII. Documentation and Communication**

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documents on the form must include the following:
  - 1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;

## Students

### Use of Physical Force

### Physical Restraint/Seclusion

#### VIII. Documentation and Communication (continued)

2. a detailed description of the nature of the restraint or seclusion;
  3. the duration of the restraint or seclusion;
  4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
  5. whether the seclusion of a special education student was conducted pursuant to a behavioral support or educational plan.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
  2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Director of Special Education [or other responsible administrator], or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Director of Special Education [or other responsible administrator], or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.



## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

#### VIII. Documentation and Communication (continued)

- E. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's behavioral support or education plan.
- F. The Director of Special Education [or other responsible administrator], or his or her designee, must be notified of the following:
  1. each use of physical restraint or seclusion on a special education student;
  2. the nature of the emergency that necessitated its use;
  3. whether the seclusion of a special education student was conducted pursuant to a behavioral support plan; and
  4. if the physical restraint or seclusion resulted in physical injury to the student.

#### IX. Responsibilities of the Director of Special Education [or other responsible administrator]

- A. The Director of Special Education [or other responsible administrator], or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion and whether instances of seclusion were conducted pursuant to IEPs.
- B. The Director of Special Education [or other responsible administrator], or his or her designee, must report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the student.

#### Legal References: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.

10-76d Duties and powers of the boards of education to provide special education programs and services.

10-220 Duties of boards of education.

46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

Legal References: Connecticut General Statutes (continued)

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by P.A. 12-88)

53a-18 Use of reasonable physical force.

P.A. 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

P.A 15-141 An Act Concerning Seclusion and Restraint in Schools

*Other Reference:* Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Regulation approved:

cps 7/15  
rev 5/16

## **Instruction**

### **Student Nutrition and Physical Activity (School Wellness Policy)**

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 and addresses overall wellness. Student wellness, including good nutrition and physical activity, shall be promoted in the district's educational program, school activities, and meal programs. In accordance with federal and state law, it is the policy of the Board of Education to provide students access to healthy foods and beverages, provide opportunities for developmentally appropriate physical activity, and require all meals served by the District to meet or exceed the federal nutritional guidelines issued by the U.S. Department of Agriculture and the "Connecticut Nutrition Standards for Foods in Schools," whichever are greater. This policy shall be interpreted consistently with Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)

In developing goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, the District will, as required, review and consider evidence-based strategies and techniques.

#### **Goals for Nutrition Promotion and Education**

The goals for addressing nutrition education include the following:

- Schools will support and promote good nutrition for students consistent with applicable federal and state requirements and guidelines.
- Schools will foster the positive relationship between good nutrition, physical activity, and the capacity of students to develop and learn.
- Nutrition education will be part of the District's comprehensive standards-based school health education program and curriculum and will be integrated into other classroom content areas, as appropriate.

#### **Goals for Physical Activity**

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.

## Instruction

### Student Nutrition and Physical Activity (School Wellness Policy)

#### Goals for Physical Activity (continued)

- Physical education shall be taught in every grade from PK through 8 and at the high school level as outlined in high school graduation requirements per BOE Policy 6146. Physical education shall include a standards-based, developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle
- Unless otherwise exempted, all students scheduled for physical education are required to participate in the District's physical education program
- ~~Recess and other physical activity breaks, before and after school activities, and walking and bicycling to schools, where safe to do so, are encouraged~~
- Recess, in accordance with Administrative Regulations for this policy, is required in all elementary schools. Physical activity breaks, before and after school physical activities, and walking and/or biking to and from school, where safe to do so, are encouraged at all schools.
- Schools will strive to provide daily physical activity for all students, seeking to balance this goal with all the requirements of the curricular program.

#### Goals for School Meals and Beverages

- Students will be offered and schools will promote nutritious food choices consistent with the current Dietary Guidelines for Americans and My Plate, published jointly by the U.S. Department of Health and Human Services and the Department of Agriculture, and guidelines promulgated by the Connecticut Department of Education ("Connecticut Nutrition Standards for Foods in Schools") in addition to federal and state statutes and national health organizations.
- The focus of the District's meal program is on moderating calories, limiting fats, sodium and sugars and increasing consumption of nutrient-rich foods such as fruits, vegetables, whole grains, low-fat dairy, lean meats and legumes.

In addition, in order to promote student health and reduce childhood obesity, the Superintendent or designee shall establish such administrative procedures to control food and beverage sales that compete with the District's nonprofit food service in compliance with the Child Nutrition Act. The District shall prohibit the sale of foods of minimal nutritional value as defined by the U.S. Department of Agriculture and will ensure that all foods sold to students separately from school meals meet the Connecticut Nutrition Standards. All beverages sold or served to students at school will be healthy choices that meet the requirements of state statute and USDA beverage requirements. (Schools must follow whichever requirements are stricter).

## **Instruction**

**6142.101(c)**

### **Student Nutrition and Physical Activity (School Wellness Policy)**

All sources of food sales to students during school hours must comply with the “Connecticut Nutrition Standards for Food in Schools” including, but not limited to, cafeteria a la carte sales, vending machines, school stores and fundraisers. The District shall ensure that all beverages sold to students comply with the requirements of state statute and USDA beverage requirements. When state and federal regulations are different, the stricter standard will be followed. The District shall ensure compliance with allowable time frames for the sale of competitive foods as specified by state law.

#### **Reimbursable School Meals**

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program.

#### **Marketing**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA “Smart Snacks in School” nutrition standards.

#### **Monitoring**

The Board designates the Superintendent or his/her designee to ensure compliance with this policy and its administrative regulations. He/She is responsible for retaining all documentation of compliance with this policy and its regulations, including, but not limited to, each school’s three-year assessment and evaluation report and this wellness policy and plan. The Superintendent or designee will also be responsible for public notification of the three-year assessment and evaluation report, including any updates to this policy made as a result of the three-year assessment and evaluation.

The District shall strive for broad-based involvement by school community stakeholders as required. These stakeholders should be involved, as appropriate, in the development, implementation, monitoring, and assessment of this policy.

The Superintendent or designee shall provide periodic implementation data and/or reports to the Board concerning this policy’s implementation sufficient to allow the Board to monitor and adjust the policy. The District, as required, will retain records and documents pertaining to the wellness policy which shall include the written school wellness policy, documentation demonstrating compliance with community involvement requirements, documentation of the triennial assessment of the wellness policy and documentation to demonstrate compliance with the annual public notification requirement.

## Instruction

6142.101(d)

### Student Nutrition and Physical Activity (School Wellness Policy)

#### Community Input

The Superintendent or designee will provide opportunities for suggestions and comments concerning the development, implementation, periodic review and improvement of the school wellness policy from community members, including parents, students, and representatives of the school food service department, teachers of physical education, school health professionals, members of the Board of

Education, school administrators, and the public. This is best achieved through the establishment of a standing wellness committee, with membership as listed above. Efforts shall be made to *encourage and facilitate* involvement that reflects all aspects of the school community.

#### Evaluation

To ensure continuing progress, the District will evaluate implementation efforts and their impact on students and staff at least every three years.

The School Wellness Policy is made available annually to students and families by means of The Family Guide, student handbooks, and the District website. This availability shall include the policy, including any updates to and about the wellness policy and the Triennial Assessment, including progress toward meeting the goals of this policy. In addition, the annual notification shall include a description of each school's progress in meeting the wellness policy goals, a summary of each school's wellness events or activities, contact information for the leader(s) of the standing wellness committee referenced above, and information on how individuals and the public can get involved.

(cf. 3542 – Food Service)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3452.45 – Vending Machines)

Legal Reference: Connecticut General Statutes  
10-16b Prescribed courses of study.  
10-215 Lunches, breakfasts and the feeding programs for public school children and employees.  
10-221 Boards of education to prescribe rules, policies and procedures.  
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.

**Student Nutrition and Physical Activity (School Wellness Policy)**

10-215e Nutrition standards for food that is not part of lunch or breakfast program.

10-215f Certification that food meets nutrition standards.

10-221o Lunch periods. Recess.

10-221p Boards to make available for purchase nutritious, low-fat foods.

10-221q Sale of beverages.

Regulations of Connecticut State Agencies

10-215b-1 Competitive foods.

10-215b-23 Income from the sale of food items.

National School Lunch Program and School Breakfast Program; Competitive Food Services. (7 CFR Parts 210.11 and 220.12,)

The Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265

Nutrition Standards in the National School Lunch and School Breakfast Programs, 7 CFR Parts 210 & 220

Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, 42 U.S.C. 1751

Child Nutrition Act of 1966 (as amended by P.L. 108-269, July 2, 2004)

School Breakfast Program, 7 C.F.R. Part 220 (2006)

National School Lunch Program or School Breakfast Program: Nutrition Standards for All Foods Sold in School (Federal Register, Vol. 78, No. 125, June 28, 2013)

Local School Wellness Policy Requirements, 42 U.S.C. 1758b

*Sample revised policy to consider.*

## **Community Relations**

### **Political Activities of School Employees**

School employees are encouraged to assume full responsibilities as citizens of a democracy.

### **Performance of Civic Duties by Employees**

Employees should perform their civic duties commensurate with democratic ideals. These duties may include:

1. Voting and taking an interest in current social, political, and economic issues.
2. Exercising democratic rights and responsibilities shared with other citizens. These rights and privileges may include:
  - A. Electioneering for candidates.
  - B. Accepting positions in political campaigns.
  - C. Holding an office in a political party organization.
  - D. Serving as a delegate to political party conventions.

### **Individual Responsibility in Participating in Political Functions**

Employees engaging in political activities shall:

1. Realize their obligation to their work as educators.
2. Help others understand that employee opinions and actions are expressed as individuals and not as representatives of the educational institution.
3. Engage in no political activities on school premises during school hours.

### ***Alternate language to consider:***

The following guidelines will be followed regarding employee participation in political and union activity:

- All employees shall be encouraged to exercise their constitutional rights as citizens, but they shall not involve their schools and students in personal political campaigns.



## **Community Relations**

### **Political Activities of School Employees**

#### **Individual Responsibility in Participating in Political Functions (continued)**

- Campaign literature, including but not limited to electronic mail, supporting one or more candidates shall not be distributed within schools or on school buses, by students, teachers or others; nor shall campaign posters be displayed at or within the schools. Campaign literature shall be used solely for educational purposes.
- Employees shall not poll their students to determine how their parents are voting on any issue, and shall not attempt to indoctrinate students with personal political and social philosophy; however, employees are not prohibited from political activity after hours of official employment. Any discussions during break time shall be confined to an area out of the hearing distance of students.
- Employees may not use school property for personal political use.
- Employees' attendance at, or participation at, political or union activities during work time shall not take place without prior written approval of the Superintendent or designee.

The following situations are exempt from the prohibitions of this policy:

- The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, such as history, civics, current events, and political science.
- The conduct of student elections and campaigning connected therewith.
- The conduct of professional staff member representative elections.

Nothing in this policy shall be interpreted to impose a burden on the constitutionally protected speech of a staff member or student.

Problems concerning the political activity of an employee shall be reported to the Superintendent or designee who shall follow-up and take appropriate action.

***A succinct version of this policy to consider:***

District staff members shall not use school time, school property or school resources or equipment for the purpose of furthering the interests of any political party, the campaign of any political candidate or the advocacy of any political issue.

## **Community Relations**

### **Political Activities of School Employees**

Legal Reference: Connecticut General Statutes

7-421 Political activities of classified municipal employees.

7-421b Limitation on restriction of political rights of municipal employees.

10-156e Employees of boards of education permitted to serve as elected officials; exception.

Policy adopted:

rev 1/06

*A new version of this policy to consider.*

## Community Relations

### Political Activities of School Employees

The \_\_\_\_\_ Board of Education recognizes the right of its employees, as citizens, to engage in political activity. However, the Board recognizes that school property and school time are paid for by all the people of the District, and should not be used for partisan political purposes, except as provided for in policies pertaining to the use of school facilities by civic and political organizations.

Prohibited activities include the posting of political circulars or petitions, collection or solicitation of campaign funds, solicitations for campaign workers, the use of students in writing or addressing campaign materials, and the distribution of campaign materials to students on District property or during school time in any manner which would indicate that a school employee is using a position in the school to further personal partisan views on candidates for public office or questions of public property. Teachers and other District employees will not attempt to influence students concerning political party affiliations and will not praise or denigrate any particular political party.

Nothing in this policy will be interpreted as prohibiting teachers from conducting appropriate activities that encourage students to become involved in the political processes of the party of the students' choice or as independents; nor does it prohibit the use of political figures as resource persons in the classrooms.

- (cf. 1140 – Distribution of Materials by Students)
- (cf. 1311.2 – Political Activities in the Schools/On School Board Property)
- (cf. 1330/3515 – Community Use of School Facilities)
- (cf. 3543.13 – Mail and Delivery)
- (cf. 4118.21 – Academic Freedom)
- (cf. 6144 – Controversial Issues)
- (cf. 6153.2 – Student Participation in Election Process)

Legal Reference: Connecticut General Statutes  
7-421 Political activities of classified municipal employees.  
7-421b Limitation on restriction of political rights of municipal employees.  
9-369b Explanatory text relating to local questions.  
10-156e Employees of boards of education permitted to serve as elected officials; exception.  
10-239 Use of school facilities for other purposes  
31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights.  
*Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)  
Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)  
Equal Access Act, 20 U.S.C. ss 4071-4074

Policy adopted:

cps 1/06

*A new, optional policy pertaining to this issue.*

## **Community Relations**

### **Political Activities in the Schools/On School Board Property**

The Board of Education is committed to ensuring each citizen's rights as provided in the Constitution and laws of the State of Connecticut and the Constitution of the United States. However, Board employees shall be prohibited from the following:

- a. Participating in any political activity while on duty.

*or (for a more specific listing)*

Engaging in political activities including but not limited to, soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other political funds, organizing, selling tickets to, promoting a candidate, soliciting votes in support of or opposition to a candidate, circulating petitions, displaying political pictures, badges, stickers or buttons on District property during assigned hours of employment.

- b. Using school property to solicit funds for political associations or activities.
- c. Attempting, either directly or indirectly, to coerce political activity or support from any other District employee.
- d. Soliciting or attempting to solicit funds from a District employee on behalf of any candidate, party, or issue while on duty.

School Board employees shall have the right to actively participate in political activities on behalf of any candidate, party, or issue during the time they are not scheduled to be on duty.

Nothing contained in this policy shall be interpreted to prohibit a Board member or employee from performing any statutory or assigned duty with respect to any issue which directly affects the District or which is placed on a ballot by or at the request of the Board, provided that such assigned duty is consistent with a willing employee's personal political beliefs.

District employees who offer themselves as candidates for public office shall notify the Superintendent immediately upon qualifying for election. They shall file a written statement explaining plans for conducting their campaign so as not to interfere with their job responsibilities.

## Community Relations

### Political Activities in the Schools/On School Board Property (continued)

- a. Personal leave may be taken for thirty (30) days prior to the election as provided herein.
- b. A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter when deemed necessary by the Superintendent or Board to evaluate the compatibility of the dual responsibility.
- c. A Board employee may be granted leave of absence, with loss of full pay, for a specified period of time for the purpose of campaigning or for serving in public office.

District employees shall be entitled to full rights of citizenship, and no political activities of any employee or the lack thereof shall be grounds for any discipline or discrimination with respect to the employment of such employee providing such activities do not interfere with the performance of the employee's duties or the District's business.

### Political Candidates

**Debate or Forum:** If a class or school-sponsored group plans a political debate or forum during the school day, the Principal/teacher/sponsor shall ensure that all candidates for the same public office or who have differing opinions on a political issue are given equal opportunity to participate.

**Appearances:** Political candidates are not allowed to appear at a school unless they are invited to visit or speak to a class or other school-related activity during school hours. However, they are entitled to the same rights of all citizens to visit the schools. The requirements for debates or forums are applicable and other candidates for the public office should be invited to visit at the same time or be provided an equivalent opportunity.

Nothing in this policy shall preclude or prevent incumbent elected public officials from appearances on District property upon the invitation of a Board member, the Superintendent, the Superintendent's designee or Principal provided that it is within their official capacity and not a campaign activity.

### School Group Participation in Political Events

School groups may not participate in events that fall into these classifications:

- a. Public appearances to promote the political candidacy of any person or the furtherance of any partisan political interest.

## **Community Relations**

### **Political Activities in the Schools/On School Board Property**

#### **School Group Participation in Political Events (continued)**

- b. Appearances that create an undue amount of interference with the regular school program or that cause an excessive amount of students' absences for rehearsal or preparation.
- c. The school Principal shall refer any case where a possible conflict may exist to the Superintendent for approval or disapproval.

#### **Use or Distribution of Political Materials During School Hours or on School Grounds**

**Interschool Mail:** Any interschool or intraschool mail system may not be used to distribute any political materials to schools. A regular newsletter of an employee organization that is normally distributed by the District's/school's mail system will not be considered political material if it simply contains news of a political nature taken by the organization. However, a publication from, or newsletter primarily containing news or discussion about, any political action committee is considered political material and may not be distributed through the pony mail.

**Political Materials:** Any distribution of political materials, except as part of the instructional program or student government, or political activity during working hours (including e-mail messages) is prohibited, except as allowed under this policy.

**Student Elections:** Students may post or distribute student-government election materials in an appropriate time, place, and manner, as determined by the Principal, so as to avoid any disruption to the learning environment.

#### **Political Materials as Part of the Instructional Program**

- Teachers may use political materials as part of the instructional program, provided the material is germane to the instructional objectives of the course. Any presentation of political materials, or issues, or expression of views, however, must be balanced and fair.
- Teachers shall be responsible for providing students with the opportunity to investigate various sides of the topics presented in their courses, particularly in relation to controversial subjects, within such limits as may be imposed by relevance to the course, the maturity level and intellectual ability of the students, and the time available.

## Community Relations

### Political Activities in the Schools/On School Board Property

#### Political Materials as Part of the Instructional Program (continued)

- Teachers shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternative views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing conclusions in order to develop as fully as possible their capacities for rational judgment.
- Teachers shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.
- A teacher may express his/her opinions in regard to political, social and religious values or issues provided that the total presentation is essentially balanced and fair. He/she shall not use professional interaction with students to further his/her own political aims or views or those of any other individual or group.

(cf. 1140 – Distribution of Materials by Students)

(cf. 1311.1 – Political Activities of School Employees)

(cf. 1330/3515 – Community Use of School Facilities)

(cf. 3543.13 – Mail and Delivery)

(cf. 4118.21 – Academic Freedom)

(cf. 6144 – Controversial Issues)

(cf. 6153.2 – Student Participation in Election Process)

Legal Reference: Connecticut General Statutes  
7-421 Political activities of classified municipal employees.  
7-421b Limitation on restriction of political rights of municipal employees.  
9-369b Explanatory text relating to local questions.  
10-156e Employees of boards of education permitted to serve as elected officials; exception.  
10-239 Use of school facilities for other purposes  
31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights.  
*Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)  
Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)  
Equal Access Act, 20 U.S.C. ss 4071-4074

Policy adopted:

cps 1/06

*A succinct version of this policy pertaining to this issue.*

## **Community Relations**

### **Political Activities in the Schools**

The Board of Education strongly supports the concepts of representative government and elected office. The Board encourages District employees to exercise their right to vote, and the Board expresses its admiration for those who seek and obtain public office. Further, the Board recognizes that the public schools are tax-supported and should be accessible to the community. The Board, however, does believe that the educational process should be clearly separate from the political activities associated with campaigns for public office.

Therefore, political activities in the schools during school hours shall be restricted to those of an educational nature that are beneficial to students as part of their program of study. The Board shall promulgate regulations in conjunction with this policy governing the following:

- Access to school system information
- Display and distribution of political literature
- Employee political activities
- Participation by student groups
- Use of school facilities
- Use of district resources
- Conduct of candidates

(cf. 1140 – Distribution of Materials by Students)

(cf. 1311.1 – Political Activities of School Employees)

(cf. 1330/3515 – Community Use of School Facilities)

(cf. 3543.13 – Mail and Delivery)

(cf. 4118.21 – Academic Freedom)

(cf. 6144 – Controversial Issues)

(cf. 6153.2 – Student Participation in Election Process)

Legal Reference:

Connecticut General Statutes

7-421 Political activities of classified municipal employees.

7-421b Limitation on restriction of political rights of municipal employees.

9-369b Explanatory text relating to local questions.

10-156e Employees of boards of education permitted to serve as elected officials; exception

10-239 Use of school facilities for other purposes

31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights.

*Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)

Equal Access Act, 20 U.S.C. ss 4071-4074

Policy adopted:

cps 1/06



*A sample regulation to consider/modify.*

## **Community Relations**

### **Political Activities in the Schools**

#### **A. Purpose**

To provide guidelines to candidates, candidate representatives, Board employees and students related to the conduct of political activities as it may involve District schools and school activities.

#### **B. Access to School System Information**

Any candidate or other Connecticut citizen may have access to school records and information pursuant to the provisions of the Connecticut Freedom of Information Act.

Requests for information from candidates or their representatives related to political campaigns and issues regarding the District should be directed to the Office of the Superintendent. To ensure impartial cooperation with candidates in elections for the Board of Education, responses to campaign requests will be shared with all announced candidates.

#### **C. Display and Distribution of Political Literature**

Display and distribution of political materials in the schools during school hours shall be restricted to those of an educational nature and as part of the educational program. Teachers, who elect to use such materials for instructional purposes, shall present them in an impartial and objective manner that is relevant to the course content and appropriate to the knowledge and maturity of the students. Existing District procedures permit the distribution in schools of materials related to parks and recreation, scouting and other non-profit or service organizations. Consistent with these procedures, political campaign materials or materials that support or oppose political candidates, parties or issues shall not be sent home from school with students. Also such literature shall not be distributed during school hours or on a school bus by students, Board employees or others. Campaign-related posters or signs may not be displayed at or within schools.

Candidates, or their representatives, desiring to distribute campaign or political materials to those attending school-related activities occurring after school hours must do so outside the building or other school facility. The distribution of political literature at events or meetings that are not school-related may be subject to the conditions governing Community Use of School Facilities.

## **Community Relations**

### **Political Activities in the Schools**

#### **C. Display and Distribution of Political Literature (continued)**

Candidates or their representatives, who do not comply with these limits on the distribution of campaign or political materials after being so informed, will be requested by a building administrator to leave school property. If the candidate or their representative does not comply with this request to leave, the building administrator will warn the individual(s) that they are trespassing and will notify the police.

Schools will not accept political advertisements in co-curricular publications (example: school newspaper as part of Journalism class). As with other advertisements, paid political advertisements may be placed in school publications unrelated to the curriculum, subject to the review and approval of the Principal (example: programs for athletic events).

During the times that polls are open and schools are serving as polling locations, Connecticut election laws will govern any associated political activity, including the distribution of political literature or posting of political signs.

#### **D. Employee Political Activities**

Employees are encouraged to exercise their constitutional rights as citizens, but they shall not involve their schools in political activities. Employees shall not participate in campaign activities during hours of official employment; however, employees may participate in political activity after hours of official employment.

Employees shall not poll students on the political opinions of their parents and shall not attempt to indoctrinate students or other employees with their personal political views. Student mock elections are permitted when conducted as part of the educational program.

No employee shall be expected or required to participate in any campaign or to support any candidate as a condition of employment.

#### **E. Participation by Student Groups**

School-sponsored student groups shall not participate in partisan political activities.

#### **F. Use of School Facilities for Political Activities**

When space is available, candidates may use school facilities during non-school hours subject to Board policy pertaining to Community Use of School Facilities and the associated regulations.

## Community Relations

### Political Activities in the Schools (continued)

#### G. Use of Other District Resources

Any use of the District's website for political activities is prohibited. Use of any other resources for political activities, including but not limited to copiers, computers or facsimile machines, is prohibited.

#### H. Conduct of Candidates

Candidates for election, or their representatives, shall not use District resources, District personnel (except those employees who may voluntarily participate during non-duty hours), District events at which they are official participants, District stationery, or the District logo in support of their campaigns.

Candidates, or their representatives, may not access students or employees during school hours for campaign purposes. With the prior review and approval of the Principal, candidates may be invited to address specific classes or groups on specific topics related to the curriculum and educational program. The Principal's review shall ensure all candidates are treated impartially and objectively.

- (cf. 1140 – Distribution of Materials by Students)
- (cf. 1311.1 – Political Activities of School Employees)
- (cf. 1330/3515 – Community Use of School Facilities)
- (cf. 3543.13 – Mail and Delivery)
- (cf. 4118.21 – Academic Freedom)
- (cf. 6144 – Controversial Issues)
- (cf. 6153.2 – Student Participation in Election Process)

Legal Reference: Connecticut General Statutes  
 7-421 Political activities of classified municipal employees  
 7-421b Limitation on restriction of political rights of municipal employees  
 9-369b Explanatory text relating to local questions  
 10-156e Employees of boards of education permitted to serve as elected officials; exception  
 10-239 Use of school facilities for other purposes  
 31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights  
*Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)  
 Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)  
 Equal Access Act, 20 U.S.C. ss 4071-4

Regulation approved:

cps 1/06

## **Booster Groups and Parent Organizations**

*(Background information for Policy Committee)*

Budget constraints have caused many districts to rely more heavily on alternate sources of revenue to support non-classroom and extracurricular activities. Therefore, fundraising by outside support organizations, such as booster clubs and parent groups is increasingly used to supply sports and band equipment, playground equipment, fund field trips and provide other activities or items that may be more difficult to fund through a district's operating budget, especially in the current economic climate.

This alternate source of revenue, however, may pose some legal and political consequences, but it is considered unreasonable to expect that school districts would disassociate themselves with such outside support organizations and their valuable financial support. Some potential trouble spots are described in the following material. Taking a proactive approach in dealing with booster clubs and parent groups will result in school districts reaping the benefits of support from their dedicated community members and reducing potential liability issues.

### **Potential Trouble Areas:**

Typical fundraising activities by booster and parent groups include activities that may include some risk of injury, which may result without proper supervision or sufficient safety measures. The relationship between the outside organization and the school district may dictate who will be responsible in a potential negligence lawsuit. A booster or parent group which is indistinguishable from the school district could result in the district being held responsible for the group's negligence. Factors to consider include (1) whether the group is permitted special access to school facilities and communication forums; (2) school employees routinely assisting in the group's activities; (3) routine use is allowed of the school's name, mascot, or logo; (4) the group is not a separate legally established not-for-profit corporation; and (5) announcements for group-related functions do not provide a clear indication of whether the event is sponsored by the group or the school district.

Another potential problem pertains to the possibility of embezzlement of funds from these groups. There is often a public perception that the district oversees and controls the organizations. This creates a public relations situation for the school district if it fails to take an active role in recovering or reimbursing the embezzled funds, should embezzlement occur.

Discrimination is another potential trouble spot. Under Title IX, donations by booster clubs may not create vast differences in benefits or services to female and male athletes. Even though the school district is not the direct source of the financial support, Title IX imputes liability to the school district if unequal treatment occurs as a result of the actions of a booster club. Districts have an obligation under Title IX to ensure that the contributions of a booster club do not create disparities in participation opportunities, equipment, and facilities between male and female athletic teams. Failure to ensure equity could result in court ordered penalties or sanctions administered by the Office of Civil Rights (OCR).

OCR stresses that it is the school district's responsibility under Title IX to ensure that boys' and girls' athletic teams are provided with equivalent benefits, services, or opportunities regardless of their source. OCR has no jurisdiction to investigate independent booster groups, but it provides the following guidance on assessing a school district's ultimate responsibility for ensuring Title IX compliance in regards to booster donations:

## **Booster Groups and Parent Organizations**

(continued)

Where booster clubs provide benefits and services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent to both sexes.

In short, school districts are responsible for Title IX compliance regardless of whether the disparate benefits are created by booster clubs or other sources of outside financial assistance.

In addition, it is important that booster clubs do not violate established athletic (CIAC) association regulations. Such violations could provide the basis for the association to impose various penalties.

In order to limit the risk of school district liability for the activities of booster clubs and parent groups, certain measures are recommended. These measures are outlined below.

### **Policies and Procedures:**

The adoption of appropriate board policies and administrative regulations is recommended. These should clarify the relationship between the school district and its booster clubs and parent groups. Groups and clubs that are not incorporated under law as not-for-profit corporations could be categorized as “internal groups” under school district policies. These groups would be subjected to greater district oversight, which would require the groups’ income to be deposited in the school’s internal accounts and subjects the groups to all policies and procedures related to receiving and disbursing funds. Other groups and clubs that have incorporated could be classified as “external groups” or independent organizations with bank accounts separate from the school district.

The policy and/or regulations should provide parameters for using the school district’s name, logo or mascot. Such use should be revocable and contingent upon complying with school district policies.

The district could also require accounting procedures for “external groups.” Such procedures could include the following specific accounting practices to include (1) the treasurer of the group to handle all funds; (2) two signatures required for all checks; (3) funds to be always deposited into the authorized bank account; (4) two people count money and provide the treasurer with a signed proceeds receipt; (5) school employees shall not be authorized to sign checks drawn on the bank account; (6) sales slips, receipts, or invoices are provided for every expenditure; (7) bank statements are reconciled by the treasurer and reviewed by someone without check signing authority; and (8) a copy of the budget shall be provided to the school or district at the beginning of each school year.

The policy and/or procedures could also require prior written approval of the group’s activities by a building principal or designee. Announcements of the event should clearly indicate that it is sponsored by the group and not the school or school district.

## **Booster Groups and Parent Organizations**

(continued)

### **Insurance:**

A general liability insurance policy should be maintained by booster clubs and parent groups. The policy should name the school district as an additional insured party. Previously, most school insurance policies covered booster clubs and parent groups. However, many insurance companies have been dropping outside support organizations from school policies. In some cases, coverage for liability claims made against individuals participating in booster club or parent organization events are limited to events that are sponsored by the school district in cooperation with the outside group. Some policies may only cover booster clubs and parent groups for events during school hours or on school property.

Therefore, it would be prudent for school district to seek complete coverage by mandating that the outside support organizations obtain comprehensive liability policies and consider property coverage, officer's liability, and bond coverage for the treasurer or fund custodian.

### **Audits:**

Audits can provide a defense against embezzlement and fraud. Therefore, booster clubs and parent groups should be encouraged, if not required, to conduct annual audits of their financial records. The audit should be performed by someone who is independent from the group's day-to-day financial activities. The completed audit should be presented to the group's board of directors and also filed with the school district.

### **Record Keeping:**

Compliance with Title IX places an obligation on school administrators to monitor the distribution of all benefits to athletic teams provided by the school district and booster clubs.

### **Sharing Information:**

Booster clubs and parent groups should receive information on policies relating to sexual harassment, nondiscrimination, fundraising, alcohol and drug-free schools, facility use, donations, advertising, and other issues that could effect the organization and their activities. The athletic booster clubs should also be made aware of pertinent high school athletic association regulations that cover undue influence, compensating coaches and out-of-season activity restrictions.

Source: The above material was excerpted from "The Legal Angle on Booster Clubs and Parent Groups," by Brad Banasik, Michigan Association of School Boards which appeared in *Inquiry & Analysis*, April 2006, NSBA Council of School Attorneys.

## **Community Relations**

### **Other School-Connected Organizations**

### **Parent Organizations and Booster Clubs**

Parent organizations and booster clubs are invaluable resources to the District's schools. The Board of Education recognizes that parent organizations and extracurricular support groups, or "booster clubs" provide important support to District schools, and can be valuable means of stimulating community interest in the aims and activities of District schools. Support organizations may be defined in two ways:

1. an organization which is created to foster community support and provide resources for a particular sport or activity in the school or school system; or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

While parent organizations and booster clubs have no administrative authority and cannot determine District policy, the Board welcomes their suggestions and assistance.

Parent organizations and booster clubs are recognized by the Board of Education and permitted to use the District's name, a District school's name, or a District school's team name, or any logo attributable to the District provided they first receive the Superintendent or designee's express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has bylaws containing the following:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.
3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, district staff, and community members or an agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members.
6. An agreement to maintain and protect its own finances. The group must maintain bank, financial, and tax exempt status separate from the school or District. The organization will provide to the Board annually or upon request a complete set of financial records or detailed treasurer's report.

## Community Relations

### Other School-Connected Organizations

#### Parent Organizations and Booster Clubs (continued)

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board of Education's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation.

Parents and other interested community members who wish to organize a parent organization or booster club for the purpose of supporting a specific school program or activity are encouraged to do so as long as the activities of such organizations do not interfere unduly with the total educational program or disrupt District operations in any way. To this end, parent organizations/booster club/support organizations must follow these guidelines:

1. be voluntary;
2. submit an activity schedule in advance to the Superintendent of Schools or his/her designee for prior approval. Any time a booster club uses the name of the District or any language suggesting that the District has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent or his/her designee;
3. seek advance approval for any use of school facilities and/or equipment and such use will comply with all policies and regulations established by the Board;
4. avoid interference with any previously approved student activity;
5. seek approval in advance of all fundraising activities by the Superintendent or building Principal;
6. understand and respect the authority of District employees in the administration of their duties; and
7. assume all financial responsibility for the booster club, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster club wishes to make a contribution of money, service time or tangible property such as equipment or supplies, a representative of the organization should first meet with the Superintendent or his/her designee. The Superintendent or his/her designee must identify the District's terms and conditions of accepting such gifts in concert with the District's policy pertaining to gifts, grants and bequests.

Booster club proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extracurricular school programs.

Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.



## Community Relations

### Other School-Connected Organizations

#### Parent Organizations and Booster Clubs (continued)

The Board retains final responsibility and authority on all activities which have an impact on students, school programs and/or school owned property.

Further, the Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. Therefore, if booster clubs provide benefits, services or tangible property that assist only teams or programs of one gender, the Board shall ensure that teams or programs of the other gender receive equivalent benefits, services or tangible property. If a booster club provides benefits, services or tangible property which are greater than that which the District is capable of providing to the athletes or programs of the other gender, the administration shall take action, within policy parameters, to ensure equivalency for both sexes.

#### Alternative/Additional Language:

*The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" or "beneficial" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned approval by the Superintendent of Schools or his/her designee (Board of Education).*

*The Board reserves the right to revoke approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.*

(cf. 1110.1 - Parental Involvement)  
 (cf. 1140 - Distribution of Materials by Students)  
 (cf. 1210 - School Community Associations)  
 (cf. 1323 - Gifts to Students)  
 (cf. 1330 - Use of School Facilities)  
 (cf. 3280 - Gifts, Grants and Bequests)  
 (cf. 3281 - School Fund Raising)  
 (cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972, 20 U.S.C.A § 1681.

Policy adopted:

*Version #2 of this sample policy to consider.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations**

The Board of Education recognizes that booster clubs perform a valuable service to the schools, and the Board expects school personnel to support such organizations accordingly. It shall be the duty of the Superintendent and respective principals to represent the best interests of the Board, school system and schools in the functioning of such organizations.

Each booster club which is involved with school activities or school students shall develop and maintain a constitution and bylaws setting forth the purposes of the organization and the general rules and procedures by which it shall operate. Each booster club shall provide a copy of its constitution and bylaws, and any revision thereof, to the Superintendent or his/her designee.

Booster clubs shall secure the advice and approval of the Building Principal before planning any function in which students are to participate while under supervision of the District.

A booster organization shall secure the prior advice and approval of the Building Principal before planning any fund-raising activity intended to benefit a school program. The Principal shall suggest needs of the school, including those not requiring fund-raising, that are conducive to the active involvement and significant numbers of interested parents in meaningful service to the school and its students.

Each booster organization shall establish its own system for handling and disbursing its funds; however, all applicable Board policies must be followed when expenditures are for school activities or when funds are to be raised through the use of students and District facilities.

Any item purchased by booster clubs for school or school activity use shall become the property of the District.

The Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. Therefore, appropriate actions will be taken to ensure that benefits and services are equivalent for both sexes, regardless of funding sources.

The Superintendent is directed to develop regulations containing guidelines by which booster clubs shall operate in the District. Such guidelines shall include, but not be limited to, such topics as permissible awards, fund raising, insurance requirements, annual reporting, use of facilities, recognition functions, concessions at school events and expenditures for student equipment and supplies.

## Community Relations

### Other School-Connected Organizations

#### Booster Clubs/Organizations (continued)

Permission to use the name of the District or any District school, or logos or mascots may be rescinded at any time and does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos.

#### Alternative Language:

*The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (alternative: Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned approval by the Superintendent of Schools or his/her designee (and/or Board of Education).*

*The Board reserves the right to revoke approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.*

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3280 - Gifts, Grants and Bequests)
- (cf. 3281 - School Fund Raising)
- (cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972, 20 U.S.C.A § 1681.

Policy adopted:

*A detailed sample regulation to consider/modify.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations**

Booster organizations are important to the extracurricular activities provided for District students. Such organizations provide positive support to the students, the program, and the personnel in a particular program. Booster organizations shall comply with established guidelines in cooperation with the Superintendent or his/her designee. The following guidelines regulate booster organization within this District.

##### **1. Constitution/Bylaws/Officers**

Each booster organization involved with school activities or students shall develop and maintain a constitution and bylaws for the organization setting forth the purposes of the organization and the general rules and procedures by which it shall operate. A copy of the constitution and bylaws shall be forwarded to the Superintendent or his/her designee. Each booster organization shall submit a list of officers annually to the Superintendent or his/her designee.

##### **2. Fund Raising Activities**

Fund raising activities shall be requested in writing to the Building Principal, reviewed at the building level, approved by the Superintendent or his/her designee and conform to District guidelines. Two (2) major fund-raising activities involving students shall be permitted each year; exceptions may be granted by the Superintendent. Fund-raising activities may occur during the length of a particular athletic/sport season or as a special activity approved by the Superintendent or his/her designee. No student time during the regular school day shall be allowed for fund-raising activities for any booster organization. Student solicitation within the community for any booster organization shall be minimal.

##### **3. Permissible Awards**

An approved booster organization may purchase a sweater, jacket, blazer, blanket, shorts, jersey, cap, watch, ring, photograph, medal, plaque, or similar trophy with appropriate insignia of comparable identification, for an athlete, in recognition of his/her athletic performance, and present such awards at a time appropriate to such recognition.

##### **4. Insurance**

Each booster organization shall maintain insurance coverage recommended by the District for bodily injury and property damage. Proof of such coverage shall be submitted to the District's Business Office.

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations (continued)**

##### **5. Audit/Treasurer's Report**

Each booster organization shall prepare an audit or treasurer's report at least once a year. A copy of the audit/treasurer's report shall be submitted to the Superintendent or his/her designee and forwarded to the Board of Education upon request.

##### **6. Use of Facilities**

Booster organizations requesting use of facilities and/or services shall initiate those requests with the Building Principal and in compliance with the District's policy on facility usage. No activity shall be permitted without such approval.

##### **7. Recognition Functions**

A booster club may sponsor athletic banquets to which student athletes may be invited without charging admission to such athlete.

A booster club planning a recognition event shall request permission of the Building Principal to conduct such an event and to clear the date for the event.

##### **8. Concessions**

Booster organizations involved in concessions at school events shall follow District guidelines.

##### **9. Expenditures for Equipment, Supplies, etc.**

All game uniforms shall be purchased by the District. The "game uniform" shall include any clothing, headgear or shoes that (a) display the school colors or logo (except shoes), (b) are purchased by the District, (c) are worn in warm-up for a contest, during the contest, or immediately subsequent to the contest, and (d) is intended to be collected by the school at the conclusion of the season. Ancillary gear and apparel such as coaching aid equipment items, shoes, bags or totes, etc., may, however, be purchased and/or donated by booster groups, corporate sponsors, or other non-school sanctioned entities. Items purchased or donated other than by the District must meet the criteria as defined below:

## Community Relations

### Other School-Connected Organizations

#### Booster Clubs/Organizations

#### 9. Expenditures for Equipment, Supplies, etc. (continued)

- The donation/purchase of goods shall meet all policies and procedures of the District;
- The donation/purchase of goods shall adhere to all Board policies and guidelines;
- The donation/purchase of goods shall have the written approval of the Building Principal and Athletic Director prior to any deliberations commencing with a potential provider;
- Any donation of goods may not be in conflict with any District-level sponsorships that may be in effect;
- Any agreement or contract proposed shall be reviewed by the District's attorney and the Superintendent or his/her designee;
- Consideration must be given to the impact of booster organization purchases, donations or services on Title IX compliance. Approval will be based on maintaining the necessary equivalence of benefits and services to both genders.

#### 10. Compliance

Should any situation emerge between a booster organization and the administration regarding the management of any school-related activity, the Superintendent or his/her designee shall resolve the issue within these established guidelines or Board policy. No booster organization shall engage in any activity outside these guidelines. Further, in conducting its activities, booster organizations shall comply with all state and federal laws, as applicable.

#### Other language to consider:

- *The organization may not use school materials in advertising its activities.*
- *All funds raised by the booster organization will be used to achieve the stated purposes and goals of the organization. No administrative fees or stipends to officers or others will be permitted.*
- *The booster organization must maintain bank, financial, and tax exempt status separate from the District.*

## **Community Relations**

### **Other School-Connected Organizations**

#### **Booster Clubs/Organizations** (continued)

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3280 - Gifts, Grants and Bequests)
- (cf. 3281 - School Fund Raising)
- (cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972

Regulation approved:

cps 1/01  
rev 11/08