

# Board of Education Regular Meeting

Tuesday, October 13, 2020 6:30 PM

Virtual Meeting <https://www.youtube.com/c/MiddletownStream>, 245 DEKOVEN DRIVE, MIDDLETOWN, CT 06457, Middletown, CT 06457

I. Call to Order	<b>Speaker (s)</b> : Deborah Cain
II. Salute to the Flag	<b>Speaker (s)</b> : Deborah Cain
III. Adoption of Agenda	<b>Speaker (s)</b> : Deborah Cain
III.A. Approval of Minutes of September 8, 2020 BOE Special Meeting	<b>Speaker (s)</b> : Deborah Cain
IV. District Highlights	<b>Speaker (s)</b> : Deborah Cain
IV.A. Recognition of WWMS Math 180 Student	<b>Speaker (s)</b> : Michael Conner
IV.B. Board Member Spotlight	<b>Speaker (s)</b> : Michael Conner
IV.C. Middlesex United Way Kickoff	<b>Speaker (s)</b> : Michael Conner
V. Public Session	<b>Speaker (s)</b> : Deborah Cain
VI. Communications	<b>Speaker (s)</b> : Deborah Cain
VI.A. Report of Student Representative	<b>Speaker (s)</b> : Michael Walker
VII. Consent Agenda	<b>Speaker (s)</b> : Deborah Cain
VII.A. Grants Status Report	<b>Speaker (s)</b> : Natalie Forbes
VII.B. Executive Summary Title 1 and 2	<b>Speaker (s)</b> : Natalie Forbes
VII.C. Executive Summary Title 3	<b>Speaker (s)</b> : Natalie Forbes
VII.D. Executive Summary Title 4	<b>Speaker (s)</b> : Natalie Forbes
VII.E. Coronavirus Relief Fund	<b>Speaker (s)</b> : Natalie Forbes
VII.F. Policy #4118.111 Grievance Procedure Title IX-Repeal and Replace - Second Reading	<b>Speaker (s)</b> : Justin Taylor
VII.G. Policy #4118.112 Sexual Harassment Repeal/Delete- Second Reading	<b>Speaker (s)</b> : Justin Taylor
VII.H. Policy #5145.4 Non-Discrimination - Repeal and Replace - Second Reading	<b>Speaker (s)</b> : Justin Taylor
VII.I. Policy #5145.5 Sex Discrimination and Sexual Harassment-Repeal and Replace- Second Reading	<b>Speaker (s)</b> : Justin Taylor
VII.J. Policy #5145.6 Student Grievance Procedures (Title IX)- Repeal/Delete- Second Reading	<b>Speaker (s)</b> : Justin Taylor
VII.K. Policy #6162.51 Survey of Students (Student Privacy)- Second Reading	<b>Speaker (s)</b> : Justin Taylor
VIII. Department Reports	<b>Speaker (s)</b> : Deborah Cain
VIII.A. Financial Report	<b>Speaker (s)</b> : C Bourne

	/ C Walcott
VIII.A.1. Action on Line Item Transfer Report	<b>Speaker (s)</b> : C Bourne / C Walcott
VIII.B. Facilities Department	<b>Speaker (s)</b> : Peter Staye
VIII.C. Talent Report	<b>Speaker (s)</b> : Geen Thazhampallath
VIII.D. Transportation Report	<b>Speaker (s)</b> : Mark Langton
<b>IX. Superintendent's Report</b>	<b>Speaker (s)</b> : Michael Conner
IX.A. Re-Entry: Getting Back to Innovation and Equity Plan and Review	<b>Speaker (s)</b> : Michael Conner
IX.B. Update on Aerospace & Manufacturing	<b>Speaker (s)</b> : Michael Conner
IX.C. Trip to France April 2021	<b>Speaker (s)</b> : Michael Conner
<b>X. Committees</b>	<b>Speaker (s)</b> : Deborah Cain
X.A. Budget Committee	<b>Speaker (s)</b> : Sean King
X.B. Curriculum Committee	<b>Speaker (s)</b> : Lisa Loomis
X.C. Facilities Committee	<b>Speaker (s)</b> : Deborah Cain
X.D. Policy Committee	<b>Speaker (s)</b> : Justin Taylor
X.E. Representative Reports	<b>Speaker (s)</b> : Deborah Cain
X.F. New Middle School Building Committee	
<b>XI. Action Items</b>	<b>Speaker (s)</b> : Deborah Cain
XI.A. Re-Entry Recommendations	<b>Speaker (s)</b> : Michael Conner
XI.B. Approval of Paraprofessional MOU- 1 year extension	<b>Speaker (s)</b> : Geen Thazhampallath
XI.C. MSAA MOA-Re-entry 20-21	<b>Speaker (s)</b> : Geen Thazhampallath
XI.D. Flexibilities within the Guidelines for Educator Evaluation 2017 and CT General Statute Section 151b	<b>Speaker (s)</b> : Magda Parvey
XI.E. Bylaw / Policy #C-19-001 Use of Face Coverings in School- New Policy-Second Reading	<b>Speaker (s)</b> : Justin Taylor
XI.F. Bylaw / Policy #C-19-002-Temporary Policies and Regulations- New Policy- First Reading	<b>Speaker (s)</b> : Justin Taylor
XI.G. Bylaw / Policy #C-19-003- Health and Safety Protocols- New Policy- First Reading	<b>Speaker (s)</b> : Justin Taylor
XI.H. Bylaw / Policy #C-19-004- FFCRA Personnel Leave- New Policy- First Reading	<b>Speaker (s)</b> : Justin Taylor
XI.I. Bylaw / Policy #5114 - Suspension (Discipline)- Revised Policy- First and Final Reading	<b>Speaker (s)</b> : Justin Taylor
XI.J. Bylaw / Policy #9311- Adoption and Amendment of Policies- Revised Bylaw- First Reading	<b>Speaker (s)</b> : Justin Taylor
<b>XII. Future Agenda Items</b>	<b>Speaker (s)</b> : Deborah Cain

XII.A.	New Items	Cain <b>Speaker (s) :</b> Deborah Cain
XIII.	<b>Adjournment</b>	<b>Speaker (s) :</b> Deborah Cain

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C. MSA MOA-Re-entry 20-21	Geen Thazhampallath
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<b>XIII. Adjournment</b>	Deborah Cain

## **Board of Education Special Meeting**

September 8, 2020, 6:30 PM

Virtual Meeting

**Board Members Present:** Deborah Cain, Anita Dempsey-White, Dina Ford, Sean King, Lisa Loomis, Jonathon Pulino, Delita Rose-Daniels, Christopher Sugar, and Justin Taylor

**Others Present:** Superintendent of Schools Dr. Michael Conner, Chief Academic Officer Dr. Magda Parvey, Chief of School Operations and Communications Marco Gaylord, Chief of Administration Christine Bourne, Chief of Talent and Performance Management Geen Thazhampallath, Director of Facilities Peter Staye, Director of Information Technology Michael Skott, Manager of Transportation Mark Langton, Student Representative Michael Walker, Assistant to the Superintendent and Board of Education Joyce Carey and 104 visitors.

### **I. CALL TO ORDER**

Chair Deborah Cain called the meeting to order at 6:32 PM.

### **II. SALUTE TO THE FLAG**

Chair Cain led the Pledge of Allegiance.

### **III. ADOPTION OF AGENDA**

#### A. Minutes of August 25, 2020 BOE Special Meeting

Chair Cain called for a motion to adopt the agenda.

**MOTION:** A motion to adopt the agenda was made by Mr. Pulino with a second by Mr. King.

Mr. Taylor made an amendment to Action Items-D change to First Reading from First and Final Reading.  
-unanimous vote.

**MOTION:** A motion to accept the agenda as amended was made by Chair Cain and a second by Ms. Rose-Daniels.

### **IV. DISTRICT HIGHLIGHTS**

#### A. Recognition of CT Rise Teachers

Dr. Conner introduced Ms. Dawn Brooks. Ms. Brooks thanked the ninth grade team for ensuring success. The vital role of CT Rise is to help students reach their full potential. Ms. Brooks introduced Kristen Negron. She spoke of the data driven action steps that were taken. The students were able to connect with each other and stay connected to the MHS community. She introduced Mr. Jason Boyle. Mr. Boyle thanked the entire team for all of their hard work. He discussed the type of work that the students participated in. The resources are still posted for students to refer back to. The students that participated were well prepared for the re-entry of synchronous and asynchronous learning. Ms. Negron emphasized that the students chose to participate. Some continue to reach out. Teachers involved will continue to attend Data Team Meetings.

Ms. Rose Daniels thanked the team and Ms. Negron and Mr. Boyle for their excitement and enthusiasm.

She was able to see the benefits firsthand of the program.

### B. New Teacher Introduction

Dr. Conner shared his excitement about welcoming the new teachers to the district. Mr. Gaylord read the names of the new teachers and their positions. Mr. Gaylord also recognized- John Geary for 44 years of teaching in Middletown and Michael Fraulino for 47 years teaching at Middletown High School.

Dr. Conner also introduced Dr. Osunde from Windsor High School and Mr. Robert Pennington from Sacred Heart. They will work as interns learning from Dr. Conner.

Dr. Conner introduced the new Student Representative, Michael Walker.

Chair Cain welcomed everyone. A roll call was done for all participants.

## **V. PUBLIC SESSION**

Chair Cain explained the rules of Public Session.

Kerry Hart- 93 Lakeridge Heights. Ms. Hart spoke in support of sports that can be done safely. They are important for mental health, mentoring. She would like Board Members to consider individual sports and do not make a blanket decision.

Trevor Charles - 505 Kelsey St. Teacher and Coach at MHS. Mr. Charles urged the board to consider the importance of sports. SEL and equity is important. It is in the best interest of our kids and community to keep sports.

Jennifer Tortora-90 Ribera Lane, parent. Ms. Tortora would like to advocate for sports being done safely. Swimming has no shared equipment and protocols are being followed. It is possible to do virtual meets and continue limited locker room use. Students are giving up social gatherings in order to stay safe and continue their swimming.

Chris Freer-108 David Drive- Each sport should be looked at separately. Mr. Freer spoke of health recommendations for playing sports. He urged the Board not to cancel swim and dive

Josh Rosek-1018 Long Hill Road, teacher, coach and parent. Mr. Rosek stated that the athletic program has followed every protocol. He stated decisions should be made based on data provided by qualified health professionals and all sports should be allowed to continue. There needs to be equity in the athletic department. He stated that students will find another town or club to participate in if sports are not offered at MHS. He asked the Board to make a data driven decision.

Edward Coleman- 15 Norfolk St., parent. Mr. Coleman asked the Board to make decisions with the best interest of children in mind. It would be a disservice to children to not play sports. Middletown should move forward with all sports and give children the opportunity to grow.

Ana Oliveira-942 Ridgewood Rd., parent. Go forward with all fall sports. Understands many factors in decision making. The Board should consider mental health. Protocols have been followed. Students will do what is required and follow protocols in order to play.

Sharon Krantz-202 Briarwood Lane, parent. Ms. Krantz asked the Board to please consider each sport individually. Speak to coaches on protocols. Ms. Krantz stated that some sports can be done safely.

Kelly Ellis, teacher and coach, out of town resident. Mr. Ellis stated that all sports should continue. Sports will give students a stress release. Sports are more imperative now for mental and emotional health.

Sharon Riley-262 Ridge Road, retired school social worker and coach. Ms. Riley understands the difficult decision before Board members. She discussed how sports provide a connection for students. Ms. Riley asked the Board to please consider the connections it gives students.

Amy Cunningham-330 Ridge Rd, parent of MHS athlete. Ms. Cunningham stated she understands the complexity of the decision. She requests that the low risk non-contact sports be considered. Ms. Cunningham stated that team engagement is vital for physical and emotional health.

Tammy Marchese, 377 Atkins St. parent. Is also in favor of fall sports. Summer program ran smoothly. Many sports played during the summer and there were no spreads of the virus. Sports can be done safely.

Sal Morello, 403 Orchid St. Rocky Hill teacher, football coach, former MHS athlete. Structure, accountability, discipline while in season. Guidelines have been met.

Brian Correll- 167 Rock Rd. North Haven resident and parent of athletes. Mr. Correll asked the Board to let the students play, they need the structure. He reminded everyone that kids have had a tough time since March, let them play.

Shawne Ngro -68 Chelsea Court, parent of athlete. Mr. Ngro understands that the crew club cannot participate in practices, however he feels that swim and dive can. He asked the Board to please consider them all separately.

Deb Petruzzello-84 Highland Ave. MHS has been following all rules and regulations from CIAC and State. She advised to start with small groups to slowly build up. Students need sports for SEL and connections.

Carol Powell- 797 Ridge Road, parent of an athlete. Ms. Powell supports fall sports based on science from DPH and CIAC. Taking temperatures, social distancing and masks keep risks low. She noted that athletes are following guidelines and should be allowed to continue.

Steve McKeever -784 Glastonbury Turnpike, teacher, coach. Middletown has philosophy educated the whole child, not only academically. Sports allow for SEL Growth. Social emotional connections are not the same as they once were. Mr. McKeever stated sports are needed for social emotional growth. He believes that the CIAC, DPH and coaches are making sports as safe as possible. He asked the Board to allow sports to continue.

Teena Conquest-272 Congdon St., parent of athletes. Sports are important to her children. Sports as an outlet allows children to focus on academics. She asked the Board to review sports individually and watch the metrics.

Abigail Conquest- 272 Congdon St., student athlete. Ms. Conquest spoke to give a student voice. Athletes will follow all guidelines that are put in place to be able to participate in swim. Students appreciated having the practices.

Jeff Bowen-94 Westwood Lane. Mr. Bowen stated that sports and athletics improve mental health. Students can earn scholarships and acceptance into Colleges and Universities. Students will continue following protocol to prevent outbreaks.

Logan Wenzel-31 Nutmeg Court, student. Mr. Wenzel is in favor of all sports continuing. His previous season was canceled. He believes that students will leave Middletown to play in other towns. Students rely on sports to stay on the right path. Sports are an incentive to students.

William Bocchio-25 Morgan St, parent, volunteer coach. Guidelines have been followed without issues. Confidence and team work has been built. Mr. Bocchio stated that kids will continue to play even if MPS cancels. We can control the environment at school and teams are meeting now with protocols and guidelines. J. Campbell-341 Chauncey Road. Mr. Campbell reviewed key data points. Teams have followed guidelines

from DPH and CIAC. Students have earned the right to play sports.

Rick Romano-67 Wildwood Lane. Spoke of the influence sports and being an athlete has made on him. He is hoping the decision is not predetermined to cancel fall sports. He hopes the BOE makes the right decision.

Chair Cain gave a high level summary of emails that were submitted. Emails regarding sports discussed that students conditioned, sense of unity and belonging and sports provide opportunities that will last a lifetime. Equity for teams and athletes to play was requested. There was a request to play football. They stated football is safe.

An email regarding masks was also reviewed. The writer was concerned that masks with valves do not stop the spread of COVID -19 and they should not be allowed in schools.

An email regarding Macdonough Kindergarten was reviewed. The writer asked the Board to support immediate reversal.

Jeff Bowen- 94 Westwood Lane. Mr. Bowen made the final statement to the Board that as elected officials, they should listen to parents. They want student athletes to play.

Chair Cain closed public session.

## **VI. CONSENT AGENDA**

A. Grants Status Report Natalie Forbes

B. Title IV Grant

**MOTION:** Chair Cain made a motion to remove item VI. B from Consent Agenda.

**MOTION:** A motion was made to accept the Consent Agenda ITEM A was made by Ms. Dempsey White and a second by Mr. Taylor -unanimous vote.

**MOTION:** Chair Cain made a motion to table Item B until a future date. It was so moved by Ms. Rose Daniels and a second by Ms. Dempsey White.- unanimous vote

## **VII. DEPARTMENT REPORTS**

### **A. Financial Report**

#### **A.1. Action on Line Item Transfer Report**

Ms. Bourne provided an overview of the Financial Statement and Line Item Transfer Report.

Two line item transfers to support Math supplies and one line item to shift for insurance costs. There were no questions.

**MOTION:** Move to accept the Line Item Transfer Report was made by Mr. Pulino and a second by Mr. King- unanimous vote.

### **B. Facilities Department Report**

Peter Staye reported he was profoundly pleased with school opening and his staff. Hard work all summer paid off. Roof replacement at MHS stadium ongoing. Improved drop off and pickup at Spencer School. Starting a new parking lot at MHS. Nearing completion of electric work for Ag Science. Challenging summer but proud of results.

Mr. King asked about a mold issue in one of the buildings. Mr. Staye confirmed that there was an issue at Wesley. Action was immediately taken and upon retesting the issue was corrected.

Chair Cain asked if instructions to be sent out to staff for work orders. Mr. Staye agreed to do that. Ms. Bourne explained Process 23, which shows employees who to direct their concerns to.

### C. Personnel Report

Geen Thazhampallath reviewed his monthly report. There were 70 new hires in the district. Mr. Thazhampallath recognized Mr. Staye and his department. He is working with the city to fill nursing positions. He also thanked Janet Calabro and the cafeteria staff for all of their hard work. They will continue with meals on Wednesday at every school. He thanked Ms. Rose Daniels and Ms. Dempsey White for helping to recruit duty aides. MPS still has need areas for daily subs and building subs. Mr. Thazhampallath thanked all principals for their hard work.

Chair Cain commended Mr. Thazhampallath and team. She was able to attend new teacher training and was pleased with the very diverse group which is reflective of the community.

Ms. Loomis recognizes finding subs is an issue across the state. She asked for the steps if a teacher calls out. Mr. Thazhampallath explained the process. He stressed that Middletown is committed to finding qualified people for instruction.

Ms. Bourne added attendance has been excellent for teachers. There are many subs in place for planned FMLA.

### D. Transportation Report

Mr. Langton reported that the first days were a success. Training was provided to all drivers. No bus conduct reports. Buses are not filled to capacity for social distance.

Mr. King asked how many buses run now compared to last year. Mr. Langton has been reducing routes.

## **VIII. Superintendents Report**

### A. Middletown 2024 Strategic Operating Plan Development Process Michael Conner

Dr. Conner reviewed the implementation steps regarding Middletown 2021. There were no questions. Dr. Conner reviewed the presentation. Many short term wins were discussed. Middletown 2024 will focus on 4 goals-teaching and learning, operations systems and structures, choice & innovation models and collaborative learning environments..

Dr. Conner will use focus groups, interviews, crowdsourcing campaigns, analysis of performance and milestone data, and performance management workshops as logic model steps beginning in October.

There were no questions. Chair Cain is excited for the outcome. Ms. Loomis is looking forward to crowdsourcing campaigns and the diverse responses. Ms. Dempsey offered her support and will be an active participant.

### B. Re-Entry Update Michael Conner

Dr. Conner introduced Dr. Parvey. Dr. Parvey reported that the reopening went smoothly. Review of Zoom best practices will happen tomorrow. All of the preparation for the opening paid off.

Attendance is well. Feedback has been positive. The state is still handing down guidance. Dr. Parvey thanked the building principals and staff for the smooth opening.

Mr. Gaylord agreed that overall it was a smooth opening. He commended Mark Langton and Dattco for smooth busing. Mask breaks are going well. The USDA has extended the food program. All students will have free breakfast and lunch until December.

#### C. Explanation of Holidays Michael Conner

Hybrid model provides education even if students were not physically in the building. The cohort not in the building does not have a day off, it is a school day. Dr. Parvey added that the state will be taking weekly and monthly attendance on engagement. Ms. Loomis asked what systems are in place for feedback on implementation? What is the mechanism of communication? Dr. Parvey responded that the Task Force, surveys, drop in sessions by educational technology coaches are all in place. Curriculum supervisors and principals are receiving feedback.

#### D. PowerSchool Tutorial Michael Skott

Mr. Skott thanked everyone for the opportunity to share the presentation. A student was set up and placed into an MHS class. Mr. Skott reviewed how parents can see grades, assignments and how to get email updates. He shared that the forms are not available on the app, only on the desktop version. Forms will need to be updated yearly.

Mr. Gaylord stressed the importance of updating information. Chair Cain asked for contact information if parents have any questions. Mr. Skott said they can call the school secretary, [techassist@mpsct.org](mailto:techassist@mpsct.org) or 860-638-1408. Chair Cain asked if the questions are being analyzed. Questions are being looked at broken devices.

#### E. District News

Chair Cain thanked volunteers at Cross St Community day.

### **IX. Committees**

#### A. Budget Committee

Mr. King reported there has not been a meeting. The next meeting will be September 9.

#### B. Curriculum Committee

Ms. Loomis reported there has not been a meeting. The next meeting will be September 17.

#### C. Facilities Committee

Chair Cain reported there has not been a meeting. The next meeting will be September 9 via zoom.

#### D. Policy Committee

Mr. Taylor reported the policy committee has had 2 meetings. Moving forward with the law firm Shipman and Goodwin partnership. Mr. Gaylord and Mrs. Bengtson have been working hard to keep up with policies. There were no questions.

#### E. Representative Reports

There was no report.

#### F. New Middle School Building Committee

There was no report. The committee has met but there was no new information to be discussed. Mr. Gaylord reported the Aerospace classroom is moving forward. Chair Cain shared the unveiling of the Beman Middle School Banner was placed on the building.

### **X. Action Items**

#### A. Bylaw 9321 Electronic Participation

Chair Cain reported that due to COVID 19, items are null by Executive Order 7B. Suggestion to suspend policy until 7B Executive order is lifted.

Mr. Gaylord stated Shipman and Goodwin is recommending adding a Covid Section to our Policy Manual.

**MOTION:** A motion to temporarily suspend board bylaw #9321 was made by Mr. King and a second by Mr. Taylor.- unanimous vote.

#### B. Recommendation on Fall Sports

Dr. Conner spoke on the importance of sports for students. He acknowledged that these are critical times for our juniors and seniors. He advised to continue with moderate and low risk sports as that is the recommendation from the administration according to CIAC and DPH guidelines. Ms. DeJesus reported coaches have been working hard to give students a sense of normalcy. She has worked with coaches, state and CIAC to have up-to-date information and guidelines. The CIAC will continue to monitor and send recommendations.

Ms. DeJesus recommends that sports may resume tomorrow-soccer, swim and dive, Xcountry and volleyball. Football and dance can continue to practice and condition. She agreed with many parents that if MPS stops sports students will go elsewhere and play and that is not the safest recommendation.

Dr. Conner added that if girls volleyball wear masks (mandatory) the sport goes down to a moderate risk. Mr. Gaylord asked for elaboration on football. Ms. DeJesus responded that we are still in Phase I. Football and dance would have to be an intramural season due to CIAC guidelines.

Chair Cain asked how conditioning would affect college bound students. Due to the CIAC decision it will affect some students. She is working to get videos out to assist students. Chair Cain asked about the dance team. Ms. DeJesus said that she will work with the coach to provide them an opportunity. Ms. DeJesus shared that guidelines are aligned with DPH and CIAC guidelines.

**MOTION:** A motion to allow the following sports to resume their sports season on starting September 9, volleyball, boys and girls soccer, girls swim and dive, boys and girls cross country and cheer according to the safety guidelines provided by the Connecticut Department of Public Health and the CIAC was made by Chair Cain with a second by Mr. Pulino- - unanimous vote with 1 abstention by Ms. Rose Daniels.

**MOTION:** A motion to allow dance and football continue practice and conditioning following the guidelines

provided on August 29 in accordance to the safety guidelines provided by the Connecticut Department of Public Health and the CIAC, effective September 9 was made by Chair Cain and a second by Mr. King- unanimous vote

C. Columbus Day Holiday

The Celebration has been the center of controversy for many years. Many states have declared October 12 as Indigenous People Day. Ms. Loomis acknowledged that Italian Americans have supported the Columbus Day Celebration. The story is about preservation and bravery however we cannot overlook the violence that occurred. Ms. Loomis would like the efforts of Ms. Mancini to continue changing the curriculum to provide diverse history.

**MOTION:** A motion to accept renaming the Columbus Day Holiday on the MPS School Calendar was made by Ms. Rose Daniels and a second by Ms. Loomis. - unanimous vote

D. Bylaw / Policy # 6162.51 Student Privacy - First Reading

Mr. Taylor reported it is a mandated policy that has not been updated since 2006. The attorney has recommended changes. It is a federal statute that has to come before the board for a second reading. Chair Cain asked about physical examination and screening and who that includes. Page one section A defines the examination; it includes any school personnel.

**MOTION:** A motion to accept the Bylaw / Policy #6162.51 Student Privacy - First Reading was made by Mr. Taylor and a second by Mr. King. - unanimous vote.

E. Bylaw / Policy #4118.111 Grievance Procedure Title IX-Repeal and Replacement. First Reading

Action Items E, F, G, H, I all deal with Title 9. Federal rules and regulations changed definitions and guidelines. It was a recommendation by our attorney to repeal current policy and replace given the changes by law. Mr. King advised the administration to follow advice of counsel while going through the grievance process.

**MOTION:** A motion to accept the Bylaw / Policy #4118.111 Grievance Procedure Title IX-Repeal and Replacement- first reading was made by Mr. Taylor and a second by Chair Cain.- unanimous vote

F. Bylaw / Policy #4118.112 Sexual Harassment - Repeal. First Reading

The recommendation by the attorney is to repeal since Policy #4118.111 would make this redundant.

**MOTION:** A motion to accept the Bylaw / Policy #4118.112 Sexual Harassment - Repeal. First Reading was made by Mr. Taylor and a second by Ms. Dempsey White..- unanimous vote

G. Bylaw / Policy #5145.4 Non-Discrimination-Repeal and Replacement. First Reading.

Mr. Taylor stated that the recommendation is that the current policy be repealed and replaced due to limited language in the current policy.

**MOTION:** A motion to accept the Bylaw / Policy #5145.4 Non-Discrimination-Repeal and Replacement. First Reading was made by Mr. Taylor and a second by Ms. Loomis. - unanimous vote

**H. Bylaw / Policy #5145.5 Sex Discrimination and Sexual Harassment-Repeal and Replacement. First Reading**

The Recommendation is to repeal and adopt model policy due to the changes to federal law in Title IX.

**MOTION:** A motion to accept the Bylaw / Policy #5145.5 Sex Discrimination and Sexual Harassment-Repeal and Replacement first Reading was made by Mr. Taylor and a second by Ms. Loomis .- unanimous vote

**I. Bylaw / Policy #5145.6 Student Grievance Procedures (Title IX)-Repeal. First Reading**

Grievance Procedures will be included in Policy #5145.5. This policy is no longer needed.

**MOTION:** A motion to accept the Bylaw / Policy #5145.6 Student Grievance Procedures (Title IX)-Repeal first Reading was made by Mr. Taylor and a second by Ms. Loomis. - unanimous vote

**J. COVID 19 #C19-001 Use of Face Coverings in School Policy-First Reading.**

The policy is formed from Addendum 11 by the State. There was a discussion on various types of masks and what types should be used. Ms. Loomis stated that she would like the optional statement regarding the types of masks allowed included in the policy.

**MOTION:** A motion to accept COVID 19 #C19-001 Use of Face Coverings in School Policy – First Reading was made by Mr. Taylor and a second by Ms. Loomis. – unanimous vote

Mr. Pulino left the meeting at 10:22

**K. MOU Agreement Board of Education and MFT**

Dr. Conner thanked Senior Management Team and Janice Pawlak and her leaders. Ms. Bourne shared key aspects of the MOU. She also thanked Ms. Pawlak and union leaders. Mr. King asked for more information on the several page document due to not having time to review. Ms. Bourne explained the agreement in detail.

Ms. Loomis asked what types of PPE have been provided. Ms. Bourne responded masks, gloves, desk shields, face shields, gowns (given to Special Education Teachers). The district has provided a cloth mask for each staff member and there are spares.

**MOTION:** A motion to accept the MOU Agreement for the 20-21 School Year between the Board of Education and Middletown Federation of Teachers was made by Chair Cain and a second by Ms. Rose Daniels. – unanimous vote

**XI. FUTURE AGENDA ITEMS**

**XII.A. New Items**

Chair Cain asked if there were any new items. There were no new items.

**XII. ADJOURNMENT**

**MOTION:** Move to adjourn at 10:48 PM passed with a motion by Chair Cain and a second by Mr. King – unanimous vote.

Respectfully Submitted,

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Anita Dempsey-White  
Secretary

ADW/jc

**GRANTS REPORT****10/13/2020****1. Grant Awards**

The following grants were confirmed this month:

Grant Title	Funder	SY21	SY20
Program improvement (Adult Ed.)	CSDE	160,000	160,000
IDEA Part B, Sect 611	CSDE	1,285,400	1,263,875
Fresh Fruit & Vegetable (Farm Hill)	CSDE	19,679	17,939
Fresh Fruit & Vegetable (Spencer	CSDE	18,112	0
Fresh Fruit & Vegetable (Macdonough)	CSDE	13,913	12,110
IDEA Part B, Sect 619	CSDE	38,150	37,921
Primary Mental Health (Wesley)	CSDE	19,199	19,199
Even Start: Family Literacy	CSDE	98,485	98,485
ADED (state provider)	CSDE	1,121,388	1,150,995
ADED Cooperative	CSDE	7,797	8,041
ASTE VoAg	CSDE	277,480	323,151
Out-of-Town Magnet Transport	CSDE	111,800	100,100
RISE	Dalio Foundation	200,000	200,000
United Way Club Support	United Way	3,000	0
AECU: Hartford Fund for Public Giving (Spencer)	Hartford Foundation for Public Giving	1,000	0
AfterSchool State Grant/YMCA for Macdonough & Bielefield	CSDE	28,080	28,080
FFA Living to Serve (Pet Partners-VoAg)	FFA	3,000	3,000

Respectfully submitted,  
Natalie Forbes, Director of Innovation & Grants

**EXECUTIVE SUMMARY**  
CONSOLIDATED APPLICATION FOR FEDERAL GRANTS FOR 2020-21

The State Department of Education requires school districts to submit a Consolidated Application for - 2020-21 Federal grants. The funding levels indicated reflect the public school allocations only.

**1) Title I, Part A –Improving Basic Programs** **\$986,934.38**

Schools falling at or above the district average may qualify for Title I funding; schools below the district average do not qualify for services. The district may bypass a qualifying school for Title I services only if it houses a grade level that is not being served elsewhere in the district. If a school falls below the district average the following year, it may be grandfathered to receive Title I services for one year only. October 1, 2019 enrollment and free/reduced rates are used to determine Title I eligibility.

For the 2020-2021 school year Bielefield, Farm Hill, Macdonough, Spencer, Snow Elementary Schools & Keigwin Middle School will receive Title I services, as well as St. John Paul II School. Title I will provide funding for: parent engagement, instructional, classroom support, and interventionist positions, as well as curricular and educational supplies.

**2) Title II, Part A: Teacher/Principal Training, PD and Recruitment** **\$130,276.40**

Title II, Part A, grant funds are intended to promote and support activities that increase student academic achievement through strategies such as: improving administrator, teacher and principal quality, increasing the number of highly qualified teachers in the classroom, and highly qualified principals and assistant principals in schools.

This year these funds will support teacher and administrator professional development that aligns with the Strategic Operating Plans: Middletown 2021: Keys to Innovation and Equity, and Early Minds 2022: Pathways to Readiness & Equity, and CT Relay Teacher certification and training for one minority teacher candidate.

**3) Title III –English Language Acquisition & Language Enhancement, incl. Immigrant Youth**  
**\$23,852.97**

Title III – English Language Acquisition and Language Enhancement – is designed to develop and conduct language instruction educational programs to increase limited English proficient children’s English proficiency in speaking, reading, writing, and comprehending English, and to increase their achievement in the core academic subjects. Title III funds will be used to support two tutors (school day and extended day) to provide intensive instruction to identified limited English proficient students.

Total Public Funding for 2020-21 Title I, Title II-A & Title III Grants: \$ 1,141,063.75 (+12.7% over 2019-20)

Total Public Funding for 2019-20 Title I, Title II-A & Title III Grants: \$ 1,012,459.37 (+5% over 2018-19)

Total Public Funding for 2018-19 Title I, Title II-A & Title III Grants: \$ 961,795.05 (+2% over 2017-18)

The State Department of Education issues the following guidance to identify how entitlements are calculated:

The U.S. Census Bureau's Small Area Income and Poverty Estimates Program (SAIPE) annually provides the U.S. Department of Education with Census poverty estimates (children ages 5-17) used to determine districts' Title I eligibility and calculate district Title I allocations. There is no correlation between Census poverty estimates and free/reduced lunch counts. Census poverty estimates are based on a statistical model incorporating data from the following sources:

- Census Bureau's American Community Survey
- Administrative records from federal income tax returns
- Supplemental Nutrition Assistance Program
- Most recent decennial Census
- Update to population estimates
- Data on Supplemental Security Income recipients
- Economic data from the Bureau of Economic Analysis

More information about SAIPE and additional information is available at <http://www.census.gov/did/www/saipe/about/index.html>:

The main objective of this program is to provide estimates of income and poverty for the administration of federal programs and the allocation of federal funds to local jurisdictions. In addition to these federal programs, state and local programs use the income and poverty estimates for distributing funds and managing programs.

The SAIPE program produces the following county and state estimates:

- total number of people in poverty
- number of children under age 5 in poverty (for states only)
- number of related children ages 5 to 17 in families in poverty
- number of children under age 18 in poverty
- median household income

In addition, in order to implement provisions under Title I of the Elementary and Secondary Education Act as amended, we produce the following estimates for school districts:

- total population
- number of children ages 5 to 17
- number of related children ages 5 to 17 in families in poverty

**The estimates are not direct counts from enumerations or administrative records, nor direct estimates from sample surveys.** Instead, for counties and states, we model income and poverty estimates by combining survey data with population estimates and administrative records. For school districts, we use the model-based county estimates and inputs from federal tax information and multi-year survey data to produce estimates of poverty. See the [Methodology](#) page for further details on the models and see [Information about Data Inputs](#) for details on the data sources.

Beginning with the SAIPE program's estimates for 2005, data from the [American Community Survey](#) (ACS) are used in the estimation procedure; all prior years used data from the Annual Social and Economic Supplements of the [Current Population Survey](#). Further details are given in a 2007 SAIPE report, [Use of ACS Data to Produce SAIPE Model-Based Estimates of Poverty for Counties](#) [PDF - 3.4M]. The U.S. Census Bureau, with support from other Federal agencies, originally created the SAIPE program to provide more current estimates of selected income and poverty statistics than the most recent decennial census. A brief history of the SAIPE program can be found on the [Origins of the Project](#) page. Prior to the creation of the SAIPE program the decennial census was the only source of income distribution and poverty statistics for households, families, and individuals if one needed data for "small" geographic areas, e.g., counties, cities, and other sub-state areas. The ten-year span between the release of decennial census data left a large gap in information concerning [fluctuations in the economic situation](#) [PDF - 191k] of the nation and local areas

This is the link to the information about how the Census poverty estimates are created: <http://www.census.gov/did/www/saipe/about/index.html>

SUBMITTED BY: NATALIE FORBES, DIRECTOR OF INNOVATION & GRANTS

**EXECUTIVE SUMMARY**  
**TITLE IV, PART A GRANT**

With the reauthorization in December 2015 of the Elementary and Secondary Education Act of 1965 (ESEA), Every Student Succeeds Act (ESSA) provides funding under the newly authorized subpart 1 of Title IV, Part A with the intention of increasing state and local capacity to address three priority areas:

- 1) provide all students with access to a well-rounded education, as defined in ESSA section 8101 (52);
- 2) improve school conditions for student learning; and
- 3) improve use of technology in order to improve the academic achievement and digital literacy of all students.

The Connecticut State Department of Education (CSDE) will distribute SSAE grant funds to LEAs by formula, as an entitlement.

**For the 2020-21 school year Middletown Public Schools is requesting:**

**Goal 1.1 teaching & Learning--Rigor & Relevance (ELL);** to increase rigor and relevance to provide effective instruction with access and equity for all. Our ELL program will purchase Digital subscriptions for Easy English News, and Amplifiers so teachers can be heard more clearly when speaking through a mask. The strategy is research based, will support the increase of vocabulary through a multi-modal approach and content standards-based instruction; and outcomes will be measured through performance on LAS Links testing

**Goal 1.6 Expand High School Options--**develop high school programs of study including increased rigor and equitable access to personalized pathways. MPS will expand its Aerospace/Advanced Manufacturing program during the 2020-21 school year; students and instructors will build an RV-12 Aircraft from scratch (this request supports the purchase of the engine). Research has determined that there will be 30,000 jobs available in the industry over the next several years. The average College graduate leaves college with \$30,000 in loans. This pathway offers students the ability to gain entry to the industry with little or no college debit.

**Goal 4: Collaborative Learning Environments: Wellness:** We will **promote healthy, safe, and positive learning environments** for staff, teachers, and students by purchasing 380 copies of *Beyond Ally: The Pursuit of Racial Justice* by Dr. Maysa Akbar to be incorporated into book club style readings and discussions as part of our racial equity educational series.

Under the overarching strategy of our Strategic Operating Plan is to **unlock the potential in every student**; MPS will support a new workforce development program for our **'transition to life HS population**; program leaders will teach the students how to design and print t-shirts. Research shows that students who have workforce skills prior to entering the workplace are more likely gain meaningful employment; further due to COVID there are less internships and workplace opportunities available to students to prepare them for the workplace during the COVID pandemic.

Total public school grant request is \$49,285.61.

SUBMITTED BY: NATALIE FORBES, DIRECTOR OF INNOVATION & GRANTS

EXECUTIVE SUMMARY  
CORONA RELIEF FUND GRANT

The district is applying to the Ct State Department of Education (CSDE) for the Corona Relief Fund Grant.

In July and again in August of 2020, CSDE conducted two surveys asking districts what model they planned to reopen under and what were the costs they anticipated incurring above their appropriated budget for the 2020-21 school year. Based in part on this information the Governor committed \$130.8 million in CFF to reimburse districts for increased costs due to Coronavirus for four categories of spending: (1) Building cleaning, health, and PPE; (2) Transportation; (3) Academic; and Student Support. Spending categories have specific reimbursement caps. While there has been discussion around potential variances on the reimbursement caps per category, the office of Policy and Management has not reached a definitive decision on this matter as at today.

In general, CRF may only be used to cover costs that:

1. are necessary expenditures incurred due to public health emergency with respect to the Coronavirus Disease 2019;
2. were not accounted for in the budget most recent approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The State Department of Education is administering this grant to local educational agencies on behalf of the office of Policy and Management.

The preparation of the submission was a partnership between the Chief of Administration and the Director of Innovation and Grants.

Funding Requested: \$2,156,778

SUBMITTED BY NATALIE FORBES, DIRECTOR OF INNOVATION & GRANTS

## REPLACEMENT POLICY 4118.111(a)

### Personnel - Certified/Non-Certified

#### Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

It is the policy of the Middletown Board of Education (the “Board”) for the Middletown Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate this Policy, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX (the “Administrative Regulations”).

**Sex discrimination** occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. Sex discrimination also occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

## REPLACEMENT POLICY 4118.111(b)

### Personnel - Certified/Non-Certified

#### Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner.

Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Middletown Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations). Such training will include information on the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall

## REPLACEMENT POLICY 4118.111(c)

### Personnel - Certified/Non-Certified

#### Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)

also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is **Marco Gaylord, Chief of Operations and Communications**. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

**Office Address:** 311 Hunting Hill Avenue, Middletown, CT 06457  
**Email:** [gaylordm@mpsct.org](mailto:gaylordm@mpsct.org)  
**Telephone:** 860-638-1485

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

#### Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

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

Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.

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

Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

## **REPLACEMENT POLICY 4118.111(d)**

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

#### **Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (continued)**

Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.

Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination:  
Employment

Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited

Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

Policy adopted: June 22, 2004  
Policy revised: June 13, 2017

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Series 4000  
Personnel**

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT (PERSONNEL)**

*This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_  
Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_  
Name(s) of any witness(es) to the sexual harassment \_\_\_\_\_

\_\_\_\_\_  
Detailed statement of the circumstances constituting the alleged sexual harassment

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

\_\_\_\_\_  
Remedy requested \_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

Series 4000  
Personnel

**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT) (PERSONNEL)**

*This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sex discrimination \_\_\_\_\_

Name or names of the sex discriminator(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the sex discrimination \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

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

*SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT*

[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

\_\_\_\_\_ (Complainant(s))  
\_\_\_\_\_ (Respondent(s))

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The date and the location of the alleged incident, if known: \_\_\_\_\_  
\_\_\_\_\_

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowingly submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

**A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.**

*SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR  
SEXUAL HARASSMENT COMPLAINTS*

[LETTERHEAD]

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT  
COMPLAINTS

In accordance with the Board’s Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation *[alternatively, could be restorative justice]*. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

\_\_\_\_\_

I voluntarily consent to the informal resolution process:

\_\_\_\_\_

Complainant

\_\_\_\_\_

Date

\_\_\_\_\_

Respondent

\_\_\_\_\_

Date

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

It is the policy of the Board of Education to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

#### **Discrimination**

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

#### **Harassment**

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **Harassment** (continued)

4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the District's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal Reference: United States Constitution, Article XIV  
Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).  
Equal Employment Opportunity Commission Policy Guidance (N915.035) on Current Issues of Sexual Harassment, effective 10/15/88.  
Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*  
Title IX of the Education Amendments of 1972, 34 CFR § 106, *et seq.*  
*Mentor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Connecticut General Statutes  
46a-60 Discriminatory employment practices prohibited.  
Conn. Agencies Regs. §46a-54-200 through §46a-54-207  
Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted: June 22, 2004  
Policy revised: June 13, 2017

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## REPLACEMENT POLICY 5145.4 (a)

### Students

#### Non-Discrimination)

#### Americans with Disabilities Act

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # \_\_\_\_\_ **[Insert Policy # 5145.4 for Students/Non-Discrimination Policy]** and are available online at [www.middletownschools.org/](http://www.middletownschools.org/) or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #5145.5 Students/Sex Discrimination and Harassment; **Policy # ????????????** **[Insert Policy #]**, Section 504/ADA).

## **REPLACEMENT POLICY 5145.4 (b)**

### **Students**

#### **Non-Discrimination)**

##### **Americans with Disabilities Act (continued)**

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

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

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

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

**Name:** Marco Gaylord  
**Address:** 311 Hunting Hill Avenue, Middletown, CT 06457  
**Email:** [gaylordm@mpsct.org](mailto:gaylordm@mpsct.org)  
**Telephone:** 860-638-1485

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Title IX Coordinator:

**Name:** Marco Gaylord  
**Address:** 311 Hunting Hill Avenue, Middletown, CT 06457  
**Email:** [gaylordm@mpsct.org](mailto:gaylordm@mpsct.org)  
**Telephone:** 860-638-1485

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of disability may contact the Board’s Section 504/ADA Coordinator:

**Name:** Marco Gaylord  
**Address:** 311 Hunting Hill Avenue, Middletown, CT 06457  
**Email:** [gaylordm@mpsct.org](mailto:gaylordm@mpsct.org)  
**Telephone:** 860-638-1485

## REPLACEMENT POLICY 5145.4 (b)

### Students

#### Non-Discrimination)

#### Americans with Disabilities Act (continued)

#### Legal References:

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

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

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

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

Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.

Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined

Connecticut General Statutes § 46a-58. Deprivation of Rights

Policy adopted: February 10, 2004  
Policy readopted: June 7, 2005  
Policy revised: December 6, 2007  
Policy revised: April 17, 2012  
Policy revised: March 13, 2017  
Policy replaced

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## REPLACEMENT POLICY 5145.5(a)

### Students

#### Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the Middletown Board of Education (the “Board”) for the Middletown Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate this Policy, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX (the “Administrative Regulations”).

**Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (*i.e., quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board’s education programs or activities; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

## **POLICY 5145.5(b)**

### **Students**

#### **Prohibition of Sex Discrimination and Sexual Harassment (continued)**

##### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Middletown Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations) on the definitions of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board’s website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board’s website to promote an environment free of sex discrimination and sexual harassment.

## POLICY 5145.5(c)

### Students

#### Prohibition of Sex Discrimination and Sexual Harassment (continued)

The Board's Title IX Coordinator is **Marco Gaylord, Chief of Operations and Communications**. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

**Office Address:** 311 Hunting Hill Avenue, Middletown, CT 06457  
**Email:** [gaylordm@mpsct.org](mailto:gaylordm@mpsct.org)  
**Telephone:** 860-638-1485

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Policy adopted: February 10, 2004 MIDDLETOWN PUBLIC SCHOOLS  
Policy readopted: June 7, 2005 Middletown, Connecticut  
Policy revised: August 22, 2017  
Policy repealed and replaced:

## **DELETE POLICY 5145.6 (a)**

### **Students**

#### **Student Grievance Procedures (Title IX)**

The Middletown Board of Education is an affirmative action/equal opportunity employer, and does not discriminate on the basis of race, color, religious creed, age, marital status, military or Veteran status, national origin, sex, including pregnancy, ancestry, sexual orientation, gender identity or expression, or past or present physical or mental disability in any of its education programs, activities or employment policies.

The Middletown Board of Education is committed to creating and maintaining a learning environment where all individuals are treated with respect and dignity. Each student has the right to learn in an environment free of all forms of discrimination. Part of maintaining such an environment is the enforcement of federal and state laws and regulations regarding nondiscrimination. One of these laws is Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in all aspects of our schools, including the classroom and athletic programs. Sexual harassment is a form of discrimination on the basis of sex that is prohibited under Title IX.

**For the purposes of this policy, Grievance shall be defined as "an official statement of a complaint over something believed to be wrong or unfair."** A "grievance" is also defined as a complaint by an employee, or group of employees, or a student or group of students based upon an alleged violation of the provisions of Title IX.

#### **Designation of Responsible Employee**

The Board of Education shall designate an individual as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The designee, the District's Compliance Officer, shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

#### **Grievance Procedure**

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. Grievance procedures are set forth in administrative regulations.

**Students**

**Student Grievance Procedures (Title IX) (continued)**

**Dissemination of Policy**

The Superintendent of Schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

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

34 C.F.R. Part 106 – Title IX of the Educational Amendments of 1972

Policy adopted:       September 11, 2012  
Policy revised:       September 12, 2017

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut



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Series 5000

**Instruction  
Surveys Of  
Privacy)**

**Students (Student**

**STUDENT PRIVACY**

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

**I. I. Definitions**

- ~~A.~~ A. "*Invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- ~~B.~~ B. "*Parent*" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- ~~C.~~ C. "*Personally identifiable information*" includes, but is not limited to, ~~the name and~~
1. the student's name;
  2. the name of the student's parent or other family members;
  3. the address of the student, ~~student's parent,~~ or ~~other~~ student's family; ~~member, the student's~~
  4. a personal identifier, such as the student's social security number ~~or~~ student identification number, or a list of characteristics or other information that would make the student's identity easily traceable. ~~number,~~ or biometric record;
  5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person

in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

D. "Personal information" means individually identifiable information including—

~~(i)~~ 1. a student's or parent's first and last name;

~~(ii)~~ 2. a home or other physical address (including a street name and the name of the city or town);

~~(iii)~~ 3. a telephone number; or

~~(iv)~~ 4. a Social Security identification number.

~~E.~~ E. "Survey" includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

## ~~H.~~ II. Student Surveys

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

**The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes ~~or~~ **other supplementary** material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.**

~~2.~~ 2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor) ~~or in the case of an unemancipated minor, the prior written consent of the parent~~, prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

~~a.~~ a. political affiliations or beliefs of the student or the student's parent;

- ~~b.~~b. mental or psychological problems of the student or the student's parent~~;~~;
- ~~e.~~c. sex behavior or attitudes~~;~~;
- ~~d.~~d. illegal, anti-social, self-incriminating, or demeaning behavior~~;~~;
- ~~e.~~e. critical appraisals of other individuals with whom respondents have close family relationships~~;~~;
- ~~f.~~f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers~~;~~;
- ~~g.~~g. religious practices, affiliations, or beliefs of the student or of the student's parent~~;~~; or
- ~~h.~~h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

~~B.~~B. Surveys Funded by Sources Other than the U.S. Department of Education:

~~1.~~1. Third Party Surveys

- ~~a.~~a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
- ~~b.~~b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
- ~~e.~~c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

~~2.~~2. Confidential Topic Surveys

- ~~a.~~a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which

contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

- ~~i)~~ i) political affiliations or beliefs of the student or the student's parent,
- ~~ii)~~ ii) mental or psychological problems of the student or the student's parent,
- ~~iii)~~ iii) sex behavior or attitudes,
- ~~iv)~~ iv) illegal, anti-social, self-incriminating, or demeaning behavior,
- ~~v)~~ v) critical appraisals of other individuals with whom respondents have close family relationships,
- ~~vi)~~ vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
- ~~vii)~~ vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
- ~~viii)~~ viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

~~b.~~ b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential ~~Topics~~ Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

~~e-c.~~ e-c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered ~~or~~ distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.

~~d.~~ d. Student responses to any Confidential Topic ~~Surveys~~ Survey that ~~contain~~ contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records

Policy and any administrative regulations or procedures governing the confidentiality of student records.

~~e.c.~~ Upon written request, the administration shall permit ~~parents (or students over the age of eighteen)~~ the parent or student (if an adult or emancipated ~~minors~~ minor) to opt out of participation in ~~the any~~ Confidential Topic ~~Surveys~~ Survey described in this ~~subsection.~~ subparagraph.

### ~~III.~~ III. Collection of Personal Information

- ~~A.~~ A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing ~~or~~ selling or otherwise distributing such information or providing that information to others for that purpose.
- ~~B.~~ B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students ~~for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.~~ Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- ~~C.~~ C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.
- ~~D.~~ D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information ~~for marketing or selling described in this subsection.~~ obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.
- ~~E.~~ E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:
- ~~1.~~ 1. college or other post-secondary education recruitment, or military recruitment\*;

- ~~2.2.~~ book clubs, magazines, and programs providing access to low-cost literary products;
- ~~3.3.~~ curriculum and instructional materials used by elementary schools and secondary schools;
- ~~4.4.~~ tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students ~~(or to generate other statistically useful data for the purposes of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;~~
- ~~5.5.~~ the sale by students of products or services to raise funds for school-related or education-related activities;
- ~~6.6.~~ student recognition programs.

\*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

#### **IV. IV. Non-Emergency Invasive Physical Examinations and Screenings:**

- ~~A.~~ ~~The notification/opt-out procedures~~ A. The provisions described in this ~~subsection~~ subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:
- ~~1.1.~~ they are required as a condition of attendance;
  - ~~2.2.~~ they are administered by the school and scheduled by the school in advance;
  - ~~3.3.~~ they are not necessary to protect the immediate health and safety of the students; and
  - ~~4.4.~~ they are not required by state law.
- ~~B.~~ B. At the beginning of the school year, the administration shall give direct notice to parents ~~(or of affected~~ students aged ~~(or the affected student if~~ eighteen (18) or older or an emancipated ~~minors) of affected students~~ minor)

of the district's intent to conduct ~~the~~ non-emergency invasive physical examination(s) ~~and/or~~ screening(s) described ~~in this subsection above,~~ except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) ~~and/or~~ screening(s).

~~C.C.~~ Upon written request, the administration shall permit parents ~~(or of affected~~ students ~~aged eighteen or older~~ or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this ~~subsection.~~ subparagraph.

## V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

### Legal References:

#### ~~Federal Law:~~

~~Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. §§ ~~1232g et seq.~~~~

~~P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act) § 1232g; 34 CFR Part 99~~

~~Protection of Pupil Privacy Rights Act, as amended by the No Child Left Behind Act of 2001, Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h.~~

~~Regulation 34 CFR Part 99~~

7/21/16

**Model Notification of Rights Under the Protection of Pupil Rights Amendment**  
 **(“PPRA”)**

**[Note: Districts must send this notification to parents and/or eligible students annually, at the beginning of the school year, and within a reasonable period of time after any substantive change to its PPRA policies.]**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (i.e. students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;
2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:
  - a. political affiliations or beliefs of the student or the student’s parent;
  - b. mental or psychological problems of the student or the student’s family;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
  - g. religious practices, affiliations, or beliefs of the student or the student’s parent; or
  - h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
4. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;
5. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent’s first and last name, a home or other physical address; a telephone number or a social security number;

6. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:
- a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
  - b. the administration of any survey containing confidential topics (see #2, above, a-h); or
  - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

- a. college or other post-secondary education recruitment, or military recruitment;
- b. book clubs, magazines, and programs providing access to low-cost literary products;
- c. curriculum and instructional materials used by elementary and secondary schools;
- d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- e. the sale by students of products or services to raise funds for school-related or education-related activities; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the [name of district] school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

<b>Policy adopted:</b>	<b>March 25, 2003</b>	<b>MIDDLETOWN PUBLIC SCHOOLS</b>
<b>Policy readopted:</b>	<b>June 20, 2006</b>	<b>Middletown, Connecticut</b>

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

7/21/16

Document comparison by Workshare 9 on Friday, June 19, 2020 9:55:02 AM

Input:	
Document 1 ID	interwovenSite://sgdms.shipman.com/SG/8783646/1
Description	#8783646v1<SG> - Middletown BOE 6162-51 (2006)
Document 2 ID	interwovenSite://sgdms.shipman.com/SG/341279/10
Description	#341279v10<SG> - Model Policy - Students/Student Privacy (PPRA)
Rendering set	standard with comments

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
Moved from	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Style change	0
Format changed	0
Total changes	318

Middletown Board of Education  
BOE Transfer of Funds

Date Range: 15-Aug-2020 to 14-Sep-2020 For FY 2021

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
Journal#: 37370      Date: 09-Sep-2020						
From 1010-100-2210-350-54300-00000	CURR: PERFORM ARTS*MAINT: REPLACEMT	65,350.00		65,350.00	4,500.00	
To 1010-100-2210-350-56900-00000	CURR: PERFORM ARTS*SUPPL*OTHER To order Music Instruction Books for Grades 5 - 8.					4,500.00
Journal#: 37373      Date: 10-Sep-2020						
From 1010-940-2600-000-54300-02002	OPER/MAINT PLANT: MAINT: REPL: PAINTING	11,000.00		11,000.00	4,650.00	
To 1010-940-2600-000-55010-02002	OPER/MAINT PLANT: PURCH SVCS: PAINTING TRANSFER NEEDED TO COVER ADDITIONAL EXPENSES FOR TEMPORARY PAINTER DUE TO COVID GUIDELINES.	3,500.00	1,450.00	4,950.00		4,650.00
Total Transfer for Central Office					9,150.00	9,150.00
*** Grand Total To Transfer					9,150.00	9,150.00

Date Range: 01-Sep-2020 to 02-Oct-2020 For FY 2021

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
Journal#:	37370	Date:	09-Sep-2020			
From	1010-100-2210-350-54300-00000	CURR:	PERFORM ARTS*MAINT: REPLACENT	65,350.00	4,500.00	
To	1010-100-2210-350-56900-00000	CURR:	PERFORM ARTS*SUPPL*OTHER			4,500.00
	To order Music Instruction Books for Grades 5 - 8.					
Journal#:	37373	Date:	10-Sep-2020			
From	1010-940-2600-000-54300-02000	OPER/MAINT	PLANT: MAINT: REPL: HVAC	232,144.00	7,450.00	
To	1010-940-2600-000-55010-02002	OPER/MAINT	PLANT: PURCH SVCS: PAINTING	4,950.00		7,450.00
	TRANSFER NEEDED TO COVER ADDITIONAL EXPENSES FOR TEMPORARY PAINTER DUE TO COVID GUIDELINES.					
Journal#:	37395	Date:	30-Sep-2020			
From	1010-960-2230-000-56110-00000	TECH EDUC:	INSTR SUPPLIES	100,007.00	13,500.00	
To	1010-960-2230-000-55010-00000	TECH EDUC:	PURCHASED SERVICES	39,320.00		13,500.00
	To obtain additional funding to purchase platform for teachers to interact with their students for learning and assessments.					
Journal#:	37396	Date:	30-Sep-2020			
From	1010-930-2130-000-51711-00000	HEALTH:	PHYSICIAN	10,000.00	10,000.00	
From	1010-930-2130-000-53040-00000	HEALTH:	NURSING SVCS	40,850.00	2,000.00	
To	1010-100-2130-000-53010-00000	HEALTH:	PURCH PROF SERV			12,000.00
	Funds for School Medical Advisor contracted services due to retirement.					
Journal#:	37398	Date:	30-Sep-2020			
From	1010-062-1000-105-53240-00000	MHS:	ART*FIELD TRIPS	1,000.00	1,000.00	
To	1010-062-1000-105-56110-00000	MHS:	ART*INSTR SUPPL	12,000.00		1,000.00
	Due to COVID, MHS field trips have been suspended and more Art instructional supplies are needed for MHS remote learners.					
Journal#:	37405	Date:	02-Oct-2020			
From	1010-940-2660-215-57340-00000	SECURITY:	CVD19: TECH REL HW/EQUIP	140,000.00	30,000.00	
To	1010-940-2660-215-55010-00000	SECURITY:	CVD19: PURCHASED SERVICES	25,000.00		30,000.00
From	1010-940-2660-215-57300-00000	SECURITY:	CVD19: EQUIPMENT	110,000.00	25,000.00	
To	1010-940-2660-215-56900-00000	SECURITY:	CVD19: SUPPLIES OTHR	725,000.00		25,000.00
	To move around the appropriations and disperse evenly on the COVID Lines so no line is negative.					

Middletown Board of Education  
BOE Transfer of Funds

Date Range: 01-Sep-2020 to 02-Oct-2020 For FY 2021

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
	Total Transfer for Central Office				93,450.00	93,450.00

Journal#: 37391 Date: 22-Sep-2020

From 1010-100-2210-170-56800-00000 CURR: NAT/PHYS SCIENCE\*TRAVEL/CONF 10,000.00  
 To 1010-100-2210-170-56500-00000 CURR: NAT/PHYS SCI: SUPPL\*TECH REL 15,250.00  
 To support digital licenses for science (grades K-5)  
 distance learning due to COVID

10,000.00  
 15,250.00  
 6,000.00

Total Transfer for CURRICULUM

6,000.00  
 6,000.00

\*\*\* Grand Total To Transfer

99,450.00  
 99,450.00

Middletown Board of Education  
BOE Transfer of Funds

Date Range: 01-Sep-2020 to 02-Oct-2020 For FY 2021

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
Journal#:	37370	Date:	09-Sep-2020			
From	1010-100-2210-350-54300-00000	CURR:	PERFORM ARTS*MAINT: REPLACEMENT	65,350.00	4,500.00	
To	1010-100-2210-350-56900-00000	CURR:	PERFORM ARTS*SUPPL*OTHER			4,500.00
	To order Music Instruction Books for Grades 5 - 8.					
Journal#:	37373	Date:	10-Sep-2020			
From	1010-940-2600-000-54300-02000	OPER/MAINT PLANT:	MAINT: REPL: HVAC	232,144.00	7,450.00	
To	1010-940-2600-000-55010-02002	OPER/MAINT PLANT:	PURCH SVCS: PAINTING	4,950.00		7,450.00
	TRANSEFER NEEDED TO COVER ADDITIONAL EXPENSES FOR TEMPORARY PAINTER DUE TO COVID GUIDELINES.					
Journal#:	37395	Date:	30-Sep-2020			
From	1010-960-2230-000-56110-00000	TECH EDUC:	INSTR SUPPLIES	100,007.00	13,500.00	
To	1010-960-2230-000-55010-00000	TECH EDUC:	PURCHASED SERVICES	39,320.00		13,500.00
	To obtain additional funding to purchase platform for teachers to interact with their students for learning and assessments.					
Journal#:	37396	Date:	30-Sep-2020			
From	1010-930-2130-000-51711-00000	HEALTH:	PHYSICIAN	10,000.00	10,000.00	
To	1010-930-2130-000-53040-00000	HEALTH:	NURSING SVCS	40,850.00	2,000.00	
To	1010-100-2130-000-53010-00000	HEALTH:	PURCH PROF SERV			12,000.00
	Funds for School Medical Advisor contracted services due to retirement.					
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To	1010-062-1000-105-56110-00000	MHS:	ART*INSTR SUPPL	12,000.00		1,000.00
	Due to COVID, MHS field trips have been suspended and more Art instructional supplies are needed for MHS remote learners.					
Journal#:	37405	Date:	02-Oct-2020			
From	1010-940-2660-215-57340-00000	SECURITY:	CVD19: TECH REL HW/EQUIP	140,000.00	30,000.00	
To	1010-940-2660-215-55010-00000	SECURITY:	CVD19: PURCHASED SERVICES	25,000.00		30,000.00
From	1010-940-2660-215-57300-00000	SECURITY:	CVD19: EQUIPMENT	110,000.00	25,000.00	
To	1010-940-2660-215-56900-00000	SECURITY:	CVD19: SUPPLIES OTHR	725,000.00		25,000.00
	To move around the appropriations and disperse evenly on the COVID Lines so no line is negative.					

Date Range: 01-Sep-2020 to 02-Oct-2020 For FY 2021

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
	Total Transfer for Central Office				93,450.00	93,450.00
Journal:# 37391	Date: 22-Sep-2020					
From 1010-100-2210-170-55800-00000	CURR: NAT/PHYS SCIENCE*TRAVEL/CONF	10,000.00		10,000.00	6,000.00	6,000.00
To 1010-100-2210-170-56500-00000	CURR: NAT/PHYS SCI: SUPPL*TECH REL	15,250.00		15,250.00		
	To support digital licenses for science (grades K-5)					
	distance learning due to COVID					
	Total Transfer for CURRICULUM				6,000.00	6,000.00
	*** Grand Total To Transfer				99,450.00	99,450.00



## Office of Talent & Performance Management

**“Unlocking the Potential in ALL Students”**

Chief of Talent & Performance Management Geen Thazhampallath  
311 Hunting Hill Avenue, Middletown, CT 06457 Telephone: (860) 638-1404  
Email: thazg@mpsct.org, Web: www.middletownschoools.org

## BOARD OF EDUCATION MONTHLY UPDATE October 13, 2020

- **Recruitment & Retention Highlight Items:**
  - **Concern Areas School Based Nurses**
    - Actively working with City to find interested nurses
    - Amy Clarke and Mary Emerling are working with a vendor
    - Mary Emerling has filled in at an elementary school due to vacancy
  - **Concern Area for School Psychologists. Multiple district wide vacancies**
    - Amy Clark reports that there are over 40 vacancies state wide
  - **Concern Area of Substitutes persists**
  
- **Covid-19 Related Issues/Special Circumstances:**
  - **Noticeable Shift in Leave Request Reason(s)**
    - Child Care (Aug to Sept 18.) v. Current (Sept 25-Present) Covid Infection Concerns.
    - 18 specific covid related situations or leave requests in the last 2 weeks. Thankfully, All negative test results
    - Concern from a staffing viewpoint if re-entry is sustainable
  
- **Other Organizational Items:**
  - Retirement of HR Clerk. Revisiting Talent Office Structure for inclusion of Communications Component
  - Scoping Communications position and needs
  - Scanning project underway
  - Blended Learning Coach for Elementary hired; Interim SPED and Pupil Services Director Posted
  - MOA completed with MFT, Action Item for Meeting for BOE Approval of MFP MOA, MSAA MOA underway and close to completion.



# MIDDLETOWN PUBLIC SCHOOLS

“Unlocking the Potential in ALL Students”

Mark Langton, Transportation Manager  
 Huntington Hill Avenue, Middletown, CT 06457 Telephone: (860) 638-1417  
 Email: langtonm@mpsct.org, Web: www.middletownschools.org

## TRANSPORTATION REPORT

August 31, 2020 THROUGH September 30, 2020

2020 – 2021 SCHOOL YEAR										
CATEGORY	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
NEW STUDENTS	18									
SCHOOL TRANSPORTATION CHANGES	118									
LEFT DISTRICT / SCHOOL	1									
BUS DRIVER COMPLAINTS	0									
BUS CONDUCT REPORTS	2									
BUS ACCIDENTS	2*									

2019 – 2020 SCHOOL YEAR										
CATEGORY	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
NEW STUDENTS	12	6	9	3	22	15	N/A	N/A	N/A	N/A
TRANSPORTATION CHANGES	41	21	9	13	10	13	N/A	N/A	N/A	N/A
LEFT DISTRICT / SCHOOL	7	3	11	7	10	7	N/A	N/A	N/A	N/A
DRIVER COMPLAINTS	2	0	0	0	1*	0	N/A	N/A	N/A	N/A
BUS CONDUCT REPORTS	64	65	34	45	51	58	N/A	N/A	N/A	N/A
BUS ACCIDENTS	1*	2*	0	0	2*	1*	N/A	N/A	N/A	N/A

- ❖ Accident with one of our out sourced transportation companies (Kids Wheels). The driver was rear ended by the Shop Rite Plaza in Cromwell while transporting one our special education students home in the afternoon. The accident was minor and no injuries were reported. Cromwell PD was called as well as Mark Langton.
- ❖ A MPD SUV that was pulling out of Rome Avenue hit a Middletown Public School type II bus on the driver side rear panel. There was one pre-k student on board, no injuries were reported. The student was checked by MFD along with Hunter’s paramedic and also by the school nurse at Snow School.
- ❖ We continue to evaluate busing and at this time we have reduced 13 bus routes.

MIDDLETOWN BOARD OF EDUCATION  
BUDGET COMMITTEE

Minutes

Monday, October 5, 2020, 5:30 PM

Virtual Meeting - Video available at:

**BOE Members Present:** Sean King (Chair), Deborah Cain (Board Chair), Lisa Loomis, Delita Rose-Daniels

**Also Present:** Dr. Conner, Chris Bourne, Cheryl Walcott, Janet Calabro, Marco Gaylord, Michael Skott, Peter Staye, Vincent Loffredo (Common Councilman), Michael Harris (City of Middletown Energy Coordinator)

Called to order 5:31 p.m.

1. Minutes of September 14, 2020

The minutes from the September 14, 2020 meeting were accepted and approved.

2. Cafeteria Services

Janet Calabro presented a report regarding the Cafeteria Fund. The monthly federal reimbursement figure is low due to the month ending recently, and the claim for reimbursement has not yet been submitted to the CT Dept. of Education. Meal service has fallen from 4000 meals per day last year to 1000 meals per day in September due to the hybrid scheduling. As a result, revenue is significantly lower than historical. Seven staff positions continue to remain vacant. Food costs remain relatively flat. The district had more feeding sites and more staff this summer compared to last which added to the increased salary lines, despite the current vacancies. The district is discussing with city what to do with staff on Wednesdays when no students are receiving meals in the buildings. The district is hoping to receive some grant money to cover some of the existing losses. CARES act grant fund of approximately \$234K were applied to offset some cafeteria expenses.

3. Finance Report

Chris Bourne and Cheryl Walcott presented a financial report. Still too early to do forecasting. They provided an overview of the three categories for paying staff who are out in connection with COVID due to personal illness, school/childcare or quarantine. In each situation the district must cover a portion of salaries and have to pay for subs as well. The district is also working on COVID refund from state for substitutes due to excess costs. About 12-20 staff are out on a given day and covered by substitutes - absences still average relative to normal circumstances. At this time, some salary positions have intentionally not been filled. The district is also shifting salaries away from alliance funding. State/federal reimbursements will address technology and building repairs that were not funded under CNR. CFR money is available to Middletown in lieu of FEMA funds - specifically \$411K for extra bus routes/cleaning and fuel. However, the district at this time has cut 9 routes and is not running Wednesdays. We need to negotiate further with bus companies. Funding is also being used to put a dent in facility needs. We are working with the city finance office, which also has some savings and deficits to resolve. The finance office will schedule meeting with city regarding health insurance surplus.

#### 4. Line Item Transfers

Chris B. and Cheryl W. presented the proposed line item transfers. Proposed transfers include an additional request to cover the temporary painter. The last transfer was an estimate as the painter had finished the work but had not finished invoicing. Teacher platform for assessments - acquired Pear Deck to use to facilitate instruction. It was recommended by LINC. The previous platform increased prices and impacted the Instructional Tech budget. Pear Deck works within the Google environment, and all students can use it. The other platform was only for grades 6-8. Teachers are scheduled for additional training on election day. Digital licenses - additional information regarding the licenses will be forwarded to the committee.

#### 5. Other Items

Michael Harris and facilities staff have been in discussion regarding an LED lighting project. He provided a history and overview of the project. It would save money and improve the lighting in school and reduce maintenance burden on facilities staff. The project is projected to pay for itself if funded by about 500K from city bonding. Recently, a grant came available to pay full cost rather than the city bonding the project.

Adjourn 6:19 p.m.

Respectfully submitted,

Sean King, Budget Committee Chair

**MIDDLETOWN BOARD OF EDUCATION  
CURRICULUM COMMITTEE**

**September 17, 2020**

**Zoom**

**5:30 PM**

<b><u>Board of Education Committee Members Present</u></b> Lisa Loomis, Chair	<b><u>Also Present</u></b> Dr. Michael Conner Dr. Magda Parvey, Chief Academic Officer Michael Skott, Director of Technology Marco Gaylord, Director of Operations Rich Cordaway, 6-12 Math Curriculum Supervisor Julie Shepperd, K-5 Math Curriculum Supervisor LuAnn Malik, Math Coach Sonja Charpentier, Math Coach Colleen Weiner, Principal MHS
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**Highlights of Meeting:**

- **LearnZillion (LZ)**
  - supports Illustrative Math (IM) curriculum
  - LZ is digital version of IM curriculum w/ option for teachers to customize
  - Plan for professional learning (PL)- instructional coaches co-teaching, modeling, video library, differentiated videos, surveyed teachers to identify needs
  - Curriculum supervisor monitoring usage empathetically
- **Illustrative Math elementary pilot**
  - Spencer grades 1-2; Macdonough grades 2-3; Wesley grades 3-5
  - Teachers receiving 3 days PL throughout year + grade- level meetings bi-weekly
  - Instructional routines include invitation, deep study, synthesis/apply using concrete hands-on activities; emphasizes the development of understanding of math concepts not just memorizing algorithms
  - Using IM curriculum at the elementary as well as middle school level improves curriculum alignment
- **Waggle**
  - Waggle is a new artificial intelligence software program we are trying out to see if it is better than Edgenuity. See attachment from Houghton Mifflin Harcourt describing it
  - Edgenuity hasn't prioritized standards
  - Waggle has done a better job of focusing on priority standards & is adaptive to student
  - Pilot is in grades 3-5 at Wesley, Farm Hill, Moody, and Snow, grade 6 ELA, and 3 classes of 7&8
- **Hybrid/Virtual Update**
  - still working out kinks, finalizing distribution of devices (some provided in spring not returned); providing PL through LINCspring and internal structures (formative assessments); summer curriculum work around prioritizing standards;

plan to survey parents after 5 weeks looking to transitioning to full time recs to BOE in Nov.

- Indigenous People's Day
  - We would like this shift to inspire changes within the Humanities curriculum.
  - There are likely to be questions from both children and adults about what this holiday means and why we are celebrating it
  - Teachers will need professional learning and time to prepare changes to curriculum and answers to questions. This will take time.

**The meeting adjourned at 6:43 PM**  
**The next meeting will be October 15, 2020**  
**Via Zoom**

Respectfully submitted,  
Lisa Loomis,  
Curriculum Committee Chair

## Middletown Public Schools -Board of Education

### BOE Facilities Committee Meeting Minutes

September 16, 2020 at 5:30 PM

The meeting was held over Zoom and streamed in YouTube. Chairwoman Deborah Cain called the meeting to order at 5:35 PM.

Present: Deborah Cain (Chairperson), Peter Staye, Sean King, Dan Penney, Marco Gaylord, Christine Bourne, Vinnie Lofreddo – Community Member, John Giuliano, Michael Harris-Energy Coordinator, Pat Burns from ESC Controls, Tina Ford – BOE Member/Community Member, Michael Skott from BOE IT, and recording secretary Leslie Spatola.

#### I. Introductions

#### II. Review of the June 17, 2020 Meeting Minutes

Chairperson Cain made a motion to accept the minutes as presented. Motion was seconded by Tina Ford and was approved unanimously.

#### III. New Woodrow Wilson Middle School Update/Status Report

Mr. Staye informed the Committee that the construction of the school is progressing and is approximately 45% complete. Financially, payment to-date equals 32% of project cost. Currently, painting is starting in area C (the north of school) and the hanging of ceilings will soon follow. Mechanical, electrical and plumbing rough-in is completed in area B which is the center of the building, and framing / block masonry has started in area A, the section of the building furthest to the south. Air handlers have been installed and the chillers are in place. TSKP provided design drawings for the Innovation Lab to O&G for pricing and we are hoping by the next building committee meeting the cost estimate for the innovation lab will be available. Mr. Staye answered questions as to the purpose of air handlers.

An issue was brought up to the Committee of the construction workers parking on the west side of Pat Kidney field, in the tennis courts and on Hunting Hill in front of private homes and were very loud and annoying to the neighbors. Mr. Gaylord confirmed that there would be different signage to help eliminate the problem.

#### IV. Status of Oil Tank Replacements at Macdonough and Moody Schools

Mr. Staye stated State employees are still working from home, making plan review impossible. We will make a formal request to the State for a plan review in September, and hope to complete that process in October. Mr. Lofreddo asked if the State had not approved any tanks in Connecticut at all for we have been waiting for this project for quite a while. The State seems to focused on large construction/renovation projects.

V. New Middle School is now the Beman Middle School

Chairperson Cain informed the committee that a few weeks ago there was a ceremony for the new Beman Middle School and the present school still is the Woodrow Wilson Middle School.

VI. School Lighting Project w/Michael Harris, City Energy Coordinator

Mr. Harris, the City's Energy Coordinator, and Mr. Pat Burns of Environmental Systems Corp. described the lighting replacement project. It is proposed that the \$525 project (cost after incentive) be funded through a bond as after paying the monthly payment over the 10-year term will still save \$25,000 in electricity costs annually.

The project involves replacing fluorescent lighting with LED's at Snow, Farm Hill, Lawrence, Bielefield, Wesley and Moody schools, and the Central Office and Adult Education buildings. There would be an Eversource incentive of \$273,629 which is likely to expire in December 2020, so time is of the essence.

There was a discussion of the characteristics of LED lighting. Typically, they last 15 to 20 years, flicker less than fluorescent, and render a better color. Exterior lighting mounted on the building (not parking lot lighting) would also be replaced as it is induction based, which is a technology that LED has made outdated. Current exterior lighting is at the end of its life anyway.

The idea of bonding the expense and paying for it from the savings realized in the electricity budget was discussed. That would need to go before the Common Council.

The Committee all agreed it as a good plan and hoped it could be on the October 2020 agenda.

VII. Miscellaneous

Mr. King passed onto everyone that he had heard that the drop-off area at the Spencer School had safety concerns. Principal Henderson is making adjustments in the pick-up and drop-off process which are expected to resolve start of the year issues, and will send out an email with instructions to parents.

Wesley School had a humidity problem. Cleaning of the spaces involved is complete. An engineering firm has been hired to review operations of the ventilation system to determine if too much air is being introduced into the space. The goal is to achieve 3 air changes per hour as ASHRAE has determined that 3 ACH flushes a space of airborne contaminants. It was also a very humid summer which contributed to the issue. There is a plan to replace the rugs in the west side hallway and in as many classrooms as possible.

Keigwin Middle School – Future use of the building has yet to be determined.

Five permanent vacancies and 2 temporary vacancies exist in the Custodial Department. Mr. Gaylord supported using floaters to be able to go to each school as needed. City HR has a list of candidates but the Board of Ed has not been informed of the status. Mr. Lofreddo said he would look into this and Ms. Cain will also follow up with this problem.

Ms. Ford brought up an issue at Farm Hill School where the custodians were reported as using a machine that “fogs” spaces and teachers are concerned with the products used. Mr. Staye described the purpose and process for disinfecting a room with an electrostatic sprayer that disperses a ‘liquid mist’ designed for horizontal surfaces. The equipment and the products it uses have been in use in the district for more than 2 years. The products that are used are approved by the Department of Health and are totally safe to use.

Chairperson Cain requested that the capital plan on the Facilities Department website be replaced with the current plan.

The meeting adjourned at 7:10 PM by Chairperson Deborah Cain and seconded by Ms. Ford. The next BoE Facilities Committee meeting will be on Wednesday, October 21, 2020.

Minutes recorded by Leslie A. Spatola

*Leslie A. Spatola*

Facilities Committee Recording Secretary

MIDDLETOWN BOARD OF EDUCATION  
POLICY COMMITTEE  
Special Meeting Minutes  
Tuesday, September 15, 2020  
Virtual Meeting 5:30 P.M.

**Board of Education Policy Committee Members participating:**

Justin Taylor, Chair  
Sean King  
Dina Ford

**Also participating:**

Dr. Magda Parvey, Chief Academic Officer  
Marco Gaylord, Chief of School Operations and Communication  
Mike Skott, Director of Technology  
Kathleen Bengtson, Administrative Assistant  
Cody Altieri, Administrative Assistant  
Colleen Weiner, MHS Principal  
Cheryl Gonzalez, WWMS Principal  
Colleen Fitzpatrick, Snow School Principal  
Christine Bourne, Chief of Finance  
Gene Thazhampallath, Chief of Talent and Performance Management  
Attorney Gwen Zittoun, Shipman & Goodwin

**The Virtual Meeting was called to order by Justin Taylor at 5:30 P.M.**

**COVID 19 POLICIES**

Attorney Zittoun said this might get a little complicated. Shipman & Goodwin created a new Series C19 with many suggested temporary Covid 19 policies.

She explained these comprehensive policies can be enacted as a whole packet - one shot in and out, and is easily used if the District employs their policy service. Presently the whole packet of series COVID 19 policies is effective through June 30, 2021, they sunset automatically, unless the Board takes further action to extend or repeal sooner. This is helpful so you do not have policies hanging around because they will automatically go away and not hang around in the manual.

After Marco and she spoke earlier this week, she did a brief review of the temporary policies to our current policies. Our current policies are broad enough on specific topics.

Attorney Zittoun identified four policies that need to be implemented: (They will be explained below.)

- First – **#C19-001 Use of Face Coverings in School** (Already had first reading with BOE)
- Second – **#C19-002 Temporary Policies and Regulations**
- Third – **#C19-003 Health and Safety Protocols**
- Fourth – **#C19-004 FFCRA**

She said there is a host of other temporary policies that are also available.

Marco said we can go through these four NEW COVID 19 Policies:

### **#C19-001 NEW POLICY -Use of Face Coverings in School**

This policy was reviewed at the BOE Regular Meeting on September 8, 2020 at its first reading. It will go back for a second reading, but in the meantime, the BOE requested the Committee look at the optional sentence in the first paragraph again as they felt it should be included.

Colleen Weiner asked in the meantime, do we just tolerate people that are wearing these types of masks? Sean King suggested for that day, if the individual has the wrong type of mask, that we offer a new mask.

Attorney Zittoun stated it would be a good idea to include a full notice to emphasize the definition of face masks. "An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual's nose and mouth. An appropriate face covering shall not include "neck gaitors," bandanas or exhalation valve masks." Marco said he would send one out to parents, teachers and staff indicating the appropriate face coverings and the Board's decision.

Colleen Fitzpatrick said there was concern about face shields. Marco said a shield can be worn, but a mask must also be worn with it.

Special needs may need to go through a PPT or exempted depending upon each individual situation.

The following sentence will now be included in this policy.

***An appropriate face covering shall not include "neck gaitors," bandanas or exhalation valve masks.***

**The Policy Committee requested this NEW Policy #C19-001 be brought forward to the next Board of Education meeting for its second reading – Note-This policy will be brought forward under the Action Item agenda.**

### **#C19-002 NEW POLICY -Temporary Policies and Regulations**

Attorney Gwen Zittoun said this policy headlines things and should be enacted first. Provides that the Board is revising and implementing temporary policies that are maintained in a separate file known as C19. – Details how the policies and regulations will be displayed and implemented.

**After enacted, they should be sent out to the community.**

**The Policy Committee requested this NEW Policy #C19-002 be brought forward to the next Board of Education meeting for its first reading.**

**#C19-003 NEW POLICY -Health and Safety Protocols -** This policy is pretty short. Initially was the way to handle masks, before a separate face covering policy was created. This policy allows the BOE and Administration to develop specific protocols to manage the pandemic within the school environment, i.e. transportation, cleaning, etc. Mandates compliance from employees, students, community. Also provides for appropriate notice of these protocols (rules).

**The Policy Committee requested this NEW Policy #C19-003 be brought forward to the next Board of Education meeting for its first reading.**

**#C19-004 NEW POLICY -FFCRA Personnel – Families First Coronavirus Response Act Leave --**  
Two laws apply and somewhat overlap one relates to sick leave specifically and the other to family leave to care for child, school closed, and other reasons. Defines how pay is calculated - changes to how much the employee receives when they are on leave. Tracks and explains the language of the statute and identifies why and how an employee can take leave. Makes clear from Board perspective that we are following the law.

Policy ends on December 31, 2020 when law will sunset, unless changed by the Federal government.

**The Policy Committee requested this NEW Policy #C19-004 be brought forward to the next Board of Education meeting for its first reading.**

Another policy Attorney Zittoun suggested reviewing is the use of electronics policy. It is based on guidelines from the state--online learning.

Justin Taylor agreed that Marco and Attorney Zittoun should meet and provide guidance for the agenda for our next policy committee meeting. He certainly trusts her judgment here based on her more in-depth reading of the policies. Marco said Dr. Parvey and he should discuss the acceptable use of electronic devices policy. There are some questions about online learning from parents that should be addressed and brought to the BOE sooner than later. Attorney Zittoun said she would take care of that.

Dr. Parvey had a clarifying question regarding recent laws in actual recordings of class sessions. Parents and families cannot participate in sessions, monitor sessions, except for discipline and it was made clear they were not allowed to record. Attorney Zittoun said this stems from FERPA and student privacy. Live instruction is not confidential information. Recent information from State guidance has not changed. Those are still the rules.

**#5114 – Suspension & Expulsion (Discipline) -** This is a mandated policy which requires updating. Will be renamed Discipline. Attorney Zittoun compared the Middletown District policy with S&G's current model, which is used as the new document and Middletown's as the base document, changes in blue underlined is S&G model document, changes stricken through is Middletown's current policy.

**First paragraph is a general policy statement and does not need to be crossed out. But should be tweaked because language about seriously disruptive of educational process and violating publicized policy of the Board has changed. Maintaining policy statement is fine.**

As we scroll through there are many minor and a few major changes:

Section II. Scope of the Student Discipline Policy - Significant statutory change:

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

1. Suspension. Students may be **suspended** for conduct on school grounds or at any school-sponsored activity **that violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**
2. Expulsion. Students may be **expelled** for conduct on school grounds or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.**

There is a slight change, but big difference. We are probably doing this, but puts policy in line with that.

B. Conduct off School Grounds:

Discipline. Students may be disciplined, including suspension and/or expulsion for conduct off school grounds if such conduct violates a publicized policy of the Board and is seriously disruptive of the education process.

Reasons for Expulsion and Discipline have not change. Same until we get to Paragraph 15:

Paragraph 15: Possession of tobacco or drugs. Possession laws have changed unlawful to purchase but not to possess tobacco. The rest just follows law. We make it a violation to board policy to possess tobacco.

Paragraph 17 - similar reason.

Section VI - governing suspension not significant change - same language.

Section IX -Alternative Educational opportunities for expelled students have changed, we have majority of language included. Must provide specific education for students who are expelled now.

B.1 changes age from at least sixteen to seventeen year of age.

D. You must provide Alternative Education Opportunity per statute, two possibilities.

They included language to define more clearly.

Section XIV Procedures Governing Expulsions for Students placed in a Juvenile Detention Center. Was changed to comply with statute.

A. Pulled out CT Juvenile Training School as it no longer exists.

B. Students who either been placed in a juvenile detention center or a diversionary program can't be hit with double jeopardy.

Legal reference has been updated.

Attorney Zittoun said we do not specifically need regulations, but it is an option and they find it is helpful to have them.

Dina Ford asked what is the role of the SRO officer? Marco said They are assisting the administration. there is not a lot of data concerning arrests unless they are asked to participate. They are not involved with school consequences.

Colleen Weiner had a question -- Since we currently do not have regulations, just to have conversation whether or not we are adopting those regulations, wants to be transparent about those regulations especially with the MSAA members who would be implementing those. Attorney Zittoun said she would be happy to have a conversation offline, about details of the regulations.

Sean King made a comment that we have Attorney Zittoun's expertise looking at this policy and regulation through a legal lens. We also have data about school discipline that disproportionately falls upon black and brown students. He believes there is urgency to update this policy to be consistent with state law, but also thinks we should look at it with a racial equity lens to see if there might be any glaring problems that we may not be aware of. Justin does not know what the next step would be in order to capture mandated language and still proceed given interest expressed by community to analyze policy with an equity lens. Attorney Zittoun said the policy is very statutory and follows the letter of the law. Regulations, handbooks, and other rules guide the individual needs of the district. Important to have that diversity lens. Make these changes now and then take a look at it later.

Colleen said it may be helpful for the Board to know of some of the work that schools have done with restorative practices, DELT, etc. And programs in support in equity work.

Attorney Zittoun said because this is a change in State Statute, only a first and final reading is required.

**The Policy Committee requested this Revised Policy #5114 be brought forward to the next Board of Education meeting for its first and final reading.**

**#9311 Adoption and Amendment of Policies BYLAW** – Marco Gaylord stated that this bylaw should be reworked so it would pertain to both Federal and State law. Sean King and Attorney Zittoun suggested the following changes:

“Policies will, barring emergencies, be adopted or amended after consideration at two meetings of the Board of Education. **If state statute Federal and/or State Statutes and/or Regulations** necessitate a new or revised policy, only one meeting of the Board of Education is required to adopt or amend said policy. The agenda and minutes shall be marked to indicate policy matters.”

**The Policy Committee requested this Revised Bylaw #9311 be brought forward to the next Board of Education meeting for its first reading.**

**Other:**

**#9321 Time, Place, Notification of Meetings - Electronic Participation Bylaw**

Attorney Zittoun stated she was concerned that we were not adhering to this bylaw because of Covid 19. Kathy Bengtson stated that at the September 8, 2020 regular Board Meeting, Chair Deborah Cain brought this to the attention of the Board and there was a motion and adoption to temporarily suspend it.

Attorney Zittoun stated that we should make a notation of this on the website. Kathy said she would make the notation on the website:

#9321 Time, Place, Notification of Meetings - Electronic Participation *NOTE: Due to Covid 19, this*

*Bylaw #9321 was temporarily suspended per Board of Education vote on September 8, 2020!*

**The next Policy meeting is scheduled for October 20, 2020 with a time of 5:30 P.M.**

Meeting was adjourned 6:50 P.M.

Respectfully submitted,  
Kathy Bengtson  
Administrative Assistant

**MEMORANDUM OF AGREEMENT**

WHEREAS, the current collective bargaining agreement between the Board and the Federation (the “2016-19 Collective Bargaining Agreement”) expired on June 30, 2019; and

WHEREAS, the parties previously entered into a memorandum of agreement on June 21, 2019 extending the contract for a period of one year;

WHEREAS, the parties once again wish to extend the contract for another period of one year on the terms described below.

NOW THEREFORE, the Middletown Board of Education (the “Board”) and the Middletown Federation of Paraprofessionals (the “Federation”) agree as follows:

- 1. Article XVI, Duration and Signature Page, shall be amended to read:

This agreement shall be effective July 1, 2020 through June 30, 2021.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officers, hereunto duly authorized and their seals affixed as of the \_\_\_\_\_ day of \_\_\_\_\_.

Signed, Sealed and Delivered in the  
Presence Of:

MIDDLETOWN BOARD OF  
EDUCATION

\_\_\_\_\_

\_\_\_\_\_  
Its Chairperson

MIDDLETOWN FEDERATION OF  
PARA-PROFESSIONALS, AFT,  
LOCAL #3161

\_\_\_\_\_

- 2. Effective October 12, 2020, salaries will be amended as follows:
  - a. All employees shall stay on the same step for the 2020-21 on their respective group schedule.
  - b. All employees hired after July 1, 2020 will receive a \$0.50 increase effective October 12, 2020.
  - c. All employees hired before July 1, 2020 will receive a \$1 increase effective October 12, 2020.

3. The parties further agree to resume negotiations of the 2016-2019 Collective Bargaining Agreement on or about the summer of 2021.
4. The parties acknowledge that this Memorandum of Agreement is subject to ratification by both the Federation and the Board.

\_\_\_\_\_ Date: \_\_\_\_\_  
For the Middletown Board of Education

\_\_\_\_\_ Date: \_\_\_\_\_  
For the Middletown Federation of Paraprofessionals

# **MEMORANDUM OF AGREEMENT**

**between**

**MIDDLETOWN BOARD OF EDUCATION**

**and**

**MIDDLETOWN SCHOOLS ADMINISTRATORS ASSOCIATION**

The Middletown Board of Education; (hereinafter referred to as the "Board") and the Middletown Schools Administrators Association (hereinafter referred to as the "MSAA") which at times may be referred to as the "Parties", whose signatures are affixed herein below, hereby enter into the following Memorandum of Agreement (henceforth referred as the "Agreement") regarding remote work due to school closures, hybrid work week models, and/or other such work arrangements related to COVID-19 working conditions for the July 1, 2020 - June 30, 2021 work year only:

1. The Parties understand and acknowledge that, during the 2020-2021 work year, the schools may be closed for an unknown period of time, and during a period in which school otherwise would have been in session, for reasons related to COVID-19, and that such closure(s) may be directed by the Board and/or the Superintendent, or his/her designee(s) (henceforth referred to as the "Administration") or by an authority outside the school district.
2. The Parties understand and acknowledge that, during the 2020-2021 work year, the Board may require hybrid work weeks and/or other work arrangements for reasons related to COVID-19, and that such work arrangements may be directed by the Board and/or the Administration, or by an authority outside the school district.
3. In the event of remote work due to school closures, a hybrid work week model, and/or other such work arrangements during the 2020-2021 work year, each member of the bargaining unit shall, if so directed by the Administration, perform work as described in this Agreement in accordance with past practices and with the Parties' collective bargaining Agreement except as modified by this Agreement.

4. The MSAA shall be given at least three (3) representatives one high school, one middle school and one elementary on any district-wide committees designated for the purpose of reopening schools.
5. Any bargaining unit member who must be absent from work for reasons related to COVID may apply for leave in accordance with and subject to the limitations of the provisions of either the Families First Coronavirus Response Act or the Family and Medical Leave Act, if eligible. Employee requests for accommodations because of personal disability shall be considered in accordance with the Americans with Disabilities Act. These provisions are without prejudice to requests for leave in accordance with the collective bargaining agreement.
6. The Board shall consider child care issues in accordance with the Families First Coronavirus Response Act or the Family and Medical Leave Act, if applicable, and otherwise on a case-by-case basis.
7. As determined by the Board, in consultation with local health officials, school buildings may be open to bargaining unit members during remote work due to school closures. The Administration shall notify bargaining unit members if buildings are open. Bargaining unit members who are comfortable reporting to an open school building may perform remote work or other work as necessary to fulfill job responsibilities in the building according to the hours set forth in the collective bargaining Agreement or as may be modified by this Agreement. **[ONLY APPLIES WHEN SCHOOLS ARE CLOSED, NOT IN HYBRID MODEL]**
8. Bargaining unit members assigned to perform work from a remote location shall be available to teachers, students and parents as established by the buildings they report to but not to exceed the contracted time. Bargaining unit members working from a remote location shall be available to teachers, students and parents through existing district-based electronic platforms, including but not limited to email, Google Classroom, or telephone. Administrators will check their email or Google Classroom regularly throughout the school day. **[ONLY APPLIES WHEN SCHOOLS ARE CLOSED, NOT IN HYBRID MODEL]**
9. Bargaining unit members who do not have a computer shall be provided with a laptop for the purpose of remote work.
10. In the MPS Hybrid Model, Wednesdays have been designed as distance learning days for MPS students at all levels and grades. In accord and integration with this practice, Wednesdays, going forward may include professional development sessions, work time, student check-Ins, teacher

check-ins, PPTs, 504s, parent-teacher conferences, and district level and/or building level meetings. The District and MSAA agree, in an effort to provide high level blended learning and corresponding professional development, from September 30 forward, the following schedule will be followed:

- a. MSAA Members **Fully Remote**--- **Sept. 30, Oct. 7, Oct. 21, Nov. 4, Nov. 25, Dec. 9, 23.**
  - b. MSAA Members will be required to attend **In-Person** on site trainings/professional development, from their assigned buildings or office, unless otherwise changed and announced, to fully remote professional development, by the Office of Teaching and Learning-- **Sept. 9, Sept 16, Sept. 23, Oct. 14, Oct. 28, Nov, 18, Dec. 2, Dec. 16**
  - c. **Holidays** on Wednesday-**Nov. 11** Veterans' Day. No instructional Time or Professional Development Scheduled.
11. Bargaining unit members needing assistance with troubleshooting technical issues while working from a remote location, should contact the school district's IT personnel.
  12. In the event a bargaining unit member requires absence from work responsibilities during remote work due to school closure, the hybrid work week model, and/or during other such work arrangements, the bargaining unit member shall report such absences through the normal means and the contractual requirements and restrictions relating to such absences shall apply.
  13. Bargaining unit members shall not be subject to disciplinary action for monitoring, implementation or the delivery of learning modules/initiatives and/or student assessment results associated with remote work without due consideration of the unique circumstances surrounding this Agreement.
  14. MSAA member goals and evaluations will be conducted according to the "Flexibilities for Implementing the CT Guidelines for Educator Evaluation 2017 for the 2020-2021 School Year" guidelines and align with MFT member goals.
  15. All days of remote work due to school closure, the hybrid work week model, and/or other such work arrangements, shall be applied to the MSAA work year as outlined in the collective bargaining Agreement between the Parties.
  16. Parent-Teacher conferences, open houses or other such potential academic year larger gatherings will follow all appropriate health, safety and social distancing guidelines. The District leadership may designate that such conferences, open houses or other academic gatherings are fully remote. If such

a designation is made, members may be remote from alternate locations or may utilize their office to host remote conferences or parent meetings and attend meetings remotely.

17. All meetings involving bargaining unit members shall occur utilizing remote technology unless all applicable social distancing protocols, as set forth by the Center for Disease Control (henceforth referred to as the "CDC"), guidelines concerning social distancing and state and local regulations can be followed. The request of any bargaining unit member who is not comfortable attending in-person meetings to attend all meetings from a remote location shall be considered on a case-by-case basis. The member should submit, in writing/email, their request with a copy to their supervisor and to the HR Department. If the member's request is denied, they may ask for a meeting with Union representation and the Superintendent for reconsideration.
18. All bargaining unit members shall be provided cleaning supplies as recommended by CDC for use at their discretion. The Board shall provide a mask to administrators who do not have one. All other Personal Protective Equipment (henceforth referred to as "PPE") required by the State of Connecticut, local health department, municipality, or Board shall be provided by the BOARD. MSAA members shall not be required to reuse PPE beyond guidance recommended by the CDC, state, federal and/or local authorities.
19. All provisions of the collective bargaining Agreement between the Board and the MSAA shall remain in effect except to the extent such provisions have been modified by this Agreement.
20. Notwithstanding the foregoing, the Board and the MSAA agree that they may revisit the terms of this Agreement in the future if circumstances related to COVID-19 and/or its impact on the school district change or otherwise evolve following the execution of this Agreement by both Parties.
21. This Agreement shall not be used as precedent or cited as a practice by either the Board of Education or the MSAA in any proceeding whatsoever except to enforce the terms of this Agreement.
22. This Agreement shall terminate either upon the end of the COVID-19 health emergency as determined by the Board in consultation with public health officials or June 30, 2021, whichever is earlier.

### **For the Middletown Board of Education**

Is Representative

Date: \_\_\_\_\_, 2020

**For the Middletown School Administrators Association**

\_\_\_\_\_

Is Representative

Date: \_\_\_\_\_, 2020



# STATE OF CONNECTICUT

## STATE BOARD OF EDUCATION



TO: Superintendents of Schools  
Superintendents of Unified School Districts  
Directors of Public Charter Schools  
Directors of Approved Private Special Education Programs  
Executive Directors of Regional Educational Service Centers

FROM: Dr. Miguel A. Cardona, Commissioner 

DATE: August 11, 2020

SUBJECT: **Flexibilities for Implementing the CT Guidelines for Educator Evaluation 2017 for the 2020-2021 School Year**

The disruption to our educational system during the COVID-19 pandemic has been significant and has affected multiple systems within our schools. As each local educational agency (LEA) prepares for the return to school, the CT State Department of Education (CSDE) is providing one-time flexibilities within the *Guidelines for Educator Evaluation 2017* ([Guidelines](#)) and Connecticut General Statute Section 151b. Pursuant to Executive Order 7C, this document reflects my order implementing these flexibilities, which take effect immediately and will be in place for the 2020-2021 school year only.

These flexibilities reflect the critical importance of the social and emotional learning and well-being of students and educators during the upcoming academic year, while maintaining meaningful feedback and substantive evaluation of educators and administrators. Although this is a short-term approach, the CSDE is committed to engaging partners in reimagining educator evaluation and support for future years. This academic year the CSDE will convene educational stakeholders to work hand in hand to reimagine CT's educator evaluation and support system in its entirety. Our goal will be to complete this process in spring 2021 in order for districts to plan for and implement in the 2021-2022 school year.

A summary of the *Guidelines* flexibilities for 2020-2021 is included below. For further detail, please refer to the attachment.

### **Student Learning Indicators**

Districts may focus Student Learning components on social and emotional learning, student engagement, and family engagement.

**Teachers:** A minimum of one goal with a minimum of two indicators or measures of accomplishment focused on social and emotional learning for students, student engagement, and/or family engagement.

**Administrators:** A minimum of two indicators or measures of accomplishment focused on the re-opening of schools, supporting well-being of staff and students, supporting distance teaching and learning, and/or health and safety of students, staff, and the school community.

Districts may adjust the requirement for formal in-class observations, as appropriate, if shorter, more frequent observations will take place. Written feedback from observations should be based on current, CSDE-approved rubrics, be formative in nature, and include recommendations for professional learning.

**Teachers:** A minimum of two and three informal observations for teachers based on years of experience and previous summative ratings. All teachers complete a minimum of one review of practice.

**Administrators:** A minimum of two and three site visits for administrators based on years of experience in the profession and/or district and previous summative ratings. All administrators complete a minimum of two artifact reviews.

#### **4-Level Matrix Rating System**

Summative ratings are waived for the 2020-2021 academic year as a direct result of the disruption of the pandemic and executive orders affecting our educational system, including the waiver of student assessments and teacher evaluations last year. These changes impacted some of the fundamental data typically used to contribute to the standard evaluation process. This waiver of summative ratings does not change the expectation that evaluators will provide substantive feedback to educators. Based on data and evidence collected throughout the year, educators will complete a self-assessment, and evaluators will complete a narrative summary of the educator's performance.

#### **Improvement and Remediation Plans**

These flexibilities should not be interpreted to mean improvement and remediation plans are unnecessary. Any evaluator who continues to have concerns about an educator's performance should ensure it is appropriately communicated and documented, and development opportunities are provided, even without summative ratings. Communication between evaluators, educators, and the exclusive bargaining representative should take place regarding the status of existing plans. Primary evaluators should provide formative documentation when developing a plan in consultation with the educator and exclusive bargaining representative.

#### **Amendment Requests**

LEAs that choose to adopt these flexibilities must do so through the mutual-agreement process of the Professional Development and Evaluation Committee (PDEC) and superintendent. Once mutual-agreement has been reached, an LEA may begin implementation of the flexibilities. LEAs that intend to utilize 2020-2021 flexibilities will be asked to notify the Bureau of Educator Effectiveness and Professional Learning by October 1, 2020 consistent with the EESP amendment process. The link to request EESP amendments will be included in a subsequent communication. Districts not using the flexibilities will assume their most recent CSDE-approved plan.

Guidance and resources to support the implementation of effective Student Learning Indicators and informal observation protocols for in-person, hybrid and virtual learning environments will be forthcoming to assist LEAs in adopting available flexibilities.

Contact the CSDE consultant assigned to your region to discuss questions from your PDEC.

- Sharon Fuller- [sharon.fuller@ct.gov](mailto:sharon.fuller@ct.gov) – (CES, EDADVANCE, LEARN)
- Kimberly Audet- [kimberly.audet@ct.gov](mailto:kimberly.audet@ct.gov) – (ACES, CREC, EASTCONN)

Thank you for your continued commitment to the evaluation and support of Connecticut's educators.

SKT:ka

**Flexibilities for Implementing the CT Guidelines for Educator Evaluation 2017  
(Guidelines) for the 2020-2021 School Year  
August 11, 2020**

Given the conditions of the COVID-19 pandemic, the impact on the re-opening of schools, and the critical importance of the social and emotional learning and well-being of students and educators during the upcoming academic year, the CT State Department of Education (CSDE) is providing flexibilities to the fundamental requirements of the *CT Guidelines for Educator Evaluation (Guidelines)* and Connecticut General Statute Section 10-151b to support individual and collective educator practices in order to improve student growth.

These flexibilities were developed to facilitate support, feedback, and growth for CT educators in order to best meet the needs of students.

**Student Learning Indicators (45%)**

**Justification:** In order for students to achieve academically, their primary needs of safety and well-being must first be addressed. Educators share these needs as well, as they strive to meet the needs of their students. Due to the COVID 19 pandemic, leading to the closure of school buildings, the cancellation of state-wide assessments, the rapid transition to remote learning models, and the impacts on social and emotional well-being caused by health and safety precautions, the CSDE is providing flexibility for the Student Learning components of Educator Evaluation and Support in order to prioritize a focus on social and emotional learning and overall well-being of staff and students.

**Teachers will** develop a minimum of one student learning goal with a minimum of two indicators or measures of accomplishment focused on:

- social and emotional learning for students,
- student engagement, and/or
- family engagement.
- An academic goal may be considered, with mutual agreement.

Indicators or measures of accomplishment could be demonstrated by implementation of school-wide or individual strategies mutually agreed upon between the teacher and evaluator during the goal-setting process.

**Administrators will** develop a minimum of two student learning indicators or measures of accomplishment focused on:

- the re-opening of schools,
- supporting the health and safety, and social and emotional well-being, of staff and students,
- supporting remote and distance teaching and learning,
- mastery-based learning, and/or
- ensuring equity for the most vulnerable students and their families.

Indicators or measures of accomplishment could include implementation of district-wide or individual strategies that are mutually agreed upon between the administrator and evaluator during the goal-setting process.

**Observation of Performance and Practice (40%)**

**Justification:** Given the overall goal of fully re-opening schools, while recognizing the reality that the context of leading, teaching and learning via pandemic health and safety precautions and/or

distance learning procedures may look different during this school year, the CSDE is providing flexibility for the Observation of Performance and Practice components of Educator Evaluation and Support.

As the social and emotional well-being of students and staff will be a priority during 2020-2021, it is recommended that observations of performance and practice be formative in nature, and take place more frequently and for shorter amounts of time throughout the school year for the purpose of providing feedback and support. Evaluators are encouraged to focus on educator practice that supports social and emotional learning, and health and well-being of staff and students in in-person, blended, and remote learning environments.

Written feedback from observations should be based on current, CSDE-approved rubrics, be formative in nature, and include recommendations for professional learning.

### **Observation Process for Teachers:**

Districts may adjust the requirement for formal in-class observations, as appropriate, if shorter, more frequent observations will take place.

- A minimum of two observations and a minimum of one review of practice for teachers with more than two years of experience and who maintained Proficient or Exemplary practice during 2019-2020.
- A minimum of three informal observations and a minimum of one review of practice for first and second year teachers, and teachers who demonstrated Developing or Below Standard practice during 2019-2020.

### **Observation Process for Administrators:**

Districts may consider that given the changes that are taking place for the re-opening of schools for 2020-2021, artifact reviews may replace one of the required site visits required in the *Guidelines*.

- A minimum of two site visits for administrators with two or more years of experience and who maintained Proficient or Exemplary practice during 2019-2020.
- A minimum of three site visits, with additional site visits, as needed, for administrators who are new to the profession or the district, or who demonstrated Developing or Below Standard practice during 2019-2020.

### **Stakeholder Feedback (10%)**

**Justification:** Engaging with families continues to be essential in supporting the overall success of students in school. As families have had to adjust to remote learning for students from home, caring for family members while working from home and/or ensuring child care while working outside of the home, and addressing the impacts on health, safety, financial and food security, the CSDE is committed to supporting educators in their support of and engagement with the families of our students.

It is recommended that educators prioritize the focus on implementing strategies for ongoing communication and engagement with families.

### **Whole-School Student Learning Indicators/Teacher Effectiveness Outcomes (5%)**

Districts should follow their most recently approved CSDE-EESP.

#### **4-Level Matrix Rating System**

**Justification:** Given that ratings have been waived for the 2020-2021 academic year, it is important for educators and their evaluators to communicate about educators' progress, potential concerns, and relevant professional learning. In order to promote support and growth for educators, feedback from observations of performance and practice should be conveyed in writing, as should feedback about the accomplishment of student learning goals/indicators.

This waiver of summative ratings does not change the expectation that evaluators will provide substantive feedback to educators.

- Educators shall still complete a self-assessment based on evidence and data collected throughout the school year, and submit to their evaluators no later than the date in the district's EESP.
- Evaluators shall provide a narrative summary highlighting commendations, areas for improvement, and recommendations to the educator prior to the end of the school year.
- The reporting of aggregate evaluation ratings to the CSDE by September 15, 2021, is waived.
- Districts shall inform their local or regional board of education the implications of the Governor's Executive Order No. 7C on Educator Evaluation and Support.

#### **Evaluation-based Professional Learning**

It is recommended that professional learning needs be discussed during the goal-setting conference and be reviewed as part of mid-year check-ins. This will ensure ongoing support as educators adapt and adjust to the potential for varied teaching and learning environments due to the monitoring of COVID-19 factors.

#### **Individual Improvement and Remediation Plans**

These flexibilities should not be interpreted to mean improvement and remediation plans are unnecessary. Any evaluator who continues to have concerns about an educator's performance should ensure it is appropriately communicated and documented, and development opportunities are provided, even without summative ratings. Communication between evaluators, educators, and the exclusive bargaining representative should take place regarding the status of existing plans. Primary evaluators should provide formative documentation when developing a plan in consultation with the educator and exclusive bargaining representative.

**Use of Face Coverings in School**

The Middletown Board of Education (the “Board”) recognizes the importance of protecting the health and safety of students, staff, and the community during the COVID-19 pandemic. As such, and in accordance with requirements and guidelines issued by the Connecticut State Department of Education (“SDE”), the Board requires that all individuals entering a school building, a Middletown Public Schools (“District”) facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth.

***[Optional: An appropriate face covering shall not include “neck gaitors,” bandanas or exhalation valve masks.]*** Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with this policy shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.

The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, District facilities and District transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together, Connecticut State Department of Education, as amended by Addendums 1-11 (June 29, 2020 through August 31, 2020).

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**POLICY CONCERNING TEMPORARY POLICIES AND REGULATIONS  
RELATED TO THE COVID-19 PANDEMIC (NEW)**

The Middletown Board of Education (the “Board”) recognizes that the COVID-19 pandemic (the “COVID-19 Pandemic”) has prompted changes in laws, rules, and guidance affecting Board policy and school district operation, and requiring the Board and the administration of the Middletown Public Schools (the “Administration”) to implement certain changes consistent with such laws, rules, and guidance. The Board further recognizes that the circumstances surrounding the COVID-19 Pandemic are continually changing, and that the Board and the Administration must be prepared to adapt and evolve as appropriate and/or required. In all circumstances, the Board prioritizes safeguarding the health and safety of students and staff while continuing to educate students in accordance with state law.

In light of these circumstances, it is the policy of the Board to provide for temporary amendments to certain existing Board policies and administrative regulations, and to enact or authorize Board policies and administrative regulations on new topics, to the extent appropriate and/or required by applicable laws, rules, and guidance regarding the COVID-19 Pandemic (the “COVID-19 Policies and Regulations”). Such amendments and additions are guided by the need to (1) safeguard the health and safety of students and staff while continuing to educate students in accordance with state law; (2) adhere to all applicable laws, rules, and guidance; and (3) preserve flexibility for the Board and the Administration to account for further changes related to the COVID-19 Pandemic.

All COVID-19 Policies and Regulations shall be identified as such in the header of the Policy or Regulation with an indication that such policy or regulation is part of Series C19 (COVID-19 Policies and Regulations). COVID-19 Policies and Regulations that are amendments to existing policies or regulations shall have the identifier “C19” added after the applicable series number. In addition, all amendments to existing Board policies and administrative regulations shall be identified as such through the use of yellow highlighting and either bolded italicized text (for additions) or strikethrough text (for deletions). All Board policies and administrative regulations on new topics shall be identified as such in the title of the Policy or Regulation with the notation, “(NEW).” To the extent any conflict exists between a COVID-19 Policy and Regulation and an existing Board policy or administrative regulation, the COVID-19 Policy and Regulation shall control during any period in which the COVID-19 Policy and Regulation is in effect.

The COVID-19 Policies and Regulations shall remain in effect up to and including June 30, 2021, unless otherwise noted in the individual policy or unless the Board or the Administration (as appropriate) shortens or extends the term of any COVID-19 Policy and Regulation through appropriate Board or administrative action. Absent any further Board or administrative action (as appropriate), effective July 1, 2021, the COVID-19 Policies and Regulations shall be repealed automatically and the Board’s policies and administrative

regulations in effect prior to the enactment of the COVID-19 Policies and Regulations shall be reinstated.

The Board and/or the Administration (as appropriate) shall provide for further amendments to existing Board policies and administrative regulations, further additions to Board policies and administrative regulations, and revisions to any previously adopted COVID-19 Policies and Regulations to the extent appropriate, required, and/or warranted. In addition, the Board and the Administration shall have the authority to follow all applicable laws, rules, and guidance to the extent any such laws, rules, and guidance are not incorporated into any existing Board policy and/or administrative regulation. To the extent any conflict exists between any such laws, rules, and/or guidance and an existing Board policy or administrative regulation, the law, rule, and/or guidance shall control during any period in which the Board and the Administration exercise their authority to follow such law, rule, and/or guidance.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together, Connecticut State Department of Education (June 29, 2020)

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**POLICY CONCERNING HEALTH AND SAFETY  
PROTOCOLS RELATED TO THE COVID-19 PANDEMIC (NEW)**

The Middletown Board of Education (the “Board”) recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the Middletown Public Schools (the “Administration”) to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,  
Connecticut State Department of Education (June 29, 2020)

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

Series 4000-**C19** Personnel

**FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE (NEW)**

***This entire policy is a temporary policy effective April 1, 2020 through December 31, 2020. Accordingly, the proposed policy language has not been highlighted or written in bold italics.***

**STATEMENT OF POLICY**

In light of the global pandemic, and pursuant to the recently passed Families First Coronavirus Response Act (“FFCRA”), the Middletown Board of Education (the “Board”) is amending its policy on FMLA and adopting a sick leave policy as explained below. These amendments relate to the Emergency Paid Sick Leave Act (“EPSLA”) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”), and are effective from April 1, 2020 through December 31, 2020, or until further notice from the Board.

**EPSLA & EFMLEA LEAVES**

**Qualifying Reasons for EPSLA and EFMLEA Leaves**

Under the FFCRA, an employee qualifies for leave under the EPSLA if the employee is unable to work (or unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms *and* is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. The first two (2) weeks of EFMLEA leave are unpaid, while the remaining ten (10) weeks are paid as set forth below.

**Duration of EPSLA and EFMLEA Leaves**

***For Qualifying Reasons (1)-(4) and (6):*** A full-time employee (individual working forty (40) hours per week) is eligible for eighty (80) hours of EPSLA leave. A part-time

employee is eligible for the number of hours of EPSLA leave that the employee works on average over a two (2) week period.

***For Qualifying Reason (5):*** A full-time employee (individual working forty (40) hours per week) is eligible for an aggregate total of up to twelve (12) weeks of EFMLEA leave, so long as the childcare need exists for the duration of leave. A part-time employee is eligible for such leave for the number of hours that the employee is normally scheduled to work over that period. Employees may use their EPSLA leave concurrently with the first two (2) weeks of unpaid EFMLEA leave.

Calculation of Pay for of EPSLA and EFMLEA Leaves

***For EPSLA Leave Reasons (1), (2), or (3):*** Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate.

***For EPSLA Leave Reasons (4) or (6):*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate.

***For EPSLA leave reason (5) and EFMLEA leave:*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate. While the first two (2) weeks of EFMLEA leave is unpaid, an employee may use paid EPSLA leave to receive compensation during that period. If the employee opts *not* to use EPSLA leave for this purpose, the employee would be eligible to receive \$200 per day and \$10,000 in the aggregate for weeks 3 through 12 of EFMLEA leave.

Determination of Eligibility Under a Qualifying Reason

Determination of an employee’s eligibility for leave, including intermittent leave, will be made on a case-by-case basis and in accordance with the FFCRA, implementing regulations, and additional guidance provided by the United States Department of Labor.

**EPSLA & EFMLEA COORDINATION WITH OTHER LEAVE**

Sequence of Available Leaves

An employee may, but is not required to, use EPSLA leave during the first two (2) weeks of the unpaid portion of the EFMLEA leave period.

EPSLA Leave Adds to Existing Leave Benefits

EPSLA leave is in addition to other accrued leave provided pursuant to the relevant collective bargaining agreement or Board policy.

Effect of Use of Prior Federal FMLA Qualifying Leave on Eligibility for EFMLEA Leave

An employee's eligibility for EFMLEA leave depends on how much FMLA leave the employee has already taken during the twelve (12) months immediately preceding the start of EFMLEA. Any employee employed by the Board for at least thirty (30) days may take a total of 12 workweeks for EFMLEA leave during the applicable period. If an eligible employee has taken some, but not all, of twelve (12) workweeks under the federal FMLA during the 12-month period immediately preceding a request for EFMLEA, the employee may take the remaining portion of leave available. If the eligible employee has already taken twelve (12) workweeks of federal FMLA leave during this 12-month period, the employee may not take additional EFMLEA leave.

**REQUIRED DOCUMENTATION FOR EPSLA, EFMLEA, AND FMLA LEAVES**EPSLA Leave

- All employees seeking EPSLA leave must provide the following:
  - Employee's name;
  - Date(s) for which leave is requested;
  - Qualifying reason for leave; and
  - A statement that the employee is unable to work because of the qualified reason for leave. This statement may be oral or written.
  
- In addition, employees must provide the following depending on the reason for taking EPSLA leave:
  - If an employee is taking EPSLA leave due to a quarantine or isolation order, the employee must identify the governmental entity that issued the order.
  - If an employee is taking EPSLA leave because a health care provider advised the employee to self-quarantine, the employee must identify the health care provider.
  - If an employee is taking EPSLA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

EFMLEA Leave

- If an employee is taking EFMLEA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

Other FMLA Qualifying Leave

All existing certification requirements under the federal FMLA remain in effect if an employee is taking leave for one of the existing qualifying reasons under the federal FMLA. For example, if an employee is taking leave beyond the two (2) weeks of EPSLA leave because the employee’s medical condition for COVID-19-related reasons rises to the level of a serious health condition, the employee must continue to provide medical certifications under the federal FMLA as required by the Board.

Legal References:

Families First Coronavirus Response Act, Pub. L. 116-127 §§3102, 5102, 134 Stat. 178 (2020).

Paid Leave Under the Families First Coronavirus Response Act, 29 CFR § 826 (2020).

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

# POLICY 5114(a)

## Students

### Suspension and Expulsion/Due Process

~~It is the goal of the Board of Education to ensure the safety and welfare of all students in attendance, and to maintain an atmosphere conducive to learning. In keeping with this goal, students are expected to comply with school rules and regulations, as well as Board policies. Students may be disciplined for conduct on school grounds or at any school sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates a publicized policy of the Board.~~



### Series 5000 Students

### STUDENT DISCIPLINE

#### I. Definitions

- A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not

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## POLICY 5114(a)

### Students

capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any

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## POLICY 5114(b)

### Students

#### Suspension and Expulsion/Due Process

G. \_\_\_\_\_ weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

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H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

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I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

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J. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

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K. **School Days** shall mean days when school is in session for students.

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L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

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N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty

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N. (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

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## POLICY 5114(b)

### Students

#### Suspension and Expulsion/Due Process

- O. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.
- II. Scope of the Student Discipline Policy

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# POLICY 5114(c)

## Students

### Suspension and Expulsion/Due Process

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

1. Suspension. Students may be ~~disciplined~~suspended for conduct on school grounds or at any school-sponsored activity that ~~endangers persons or property, violates a publicized policy of the Board or is seriously disruptive of the educational process-~~ or endangers persons or property.
2. Expulsion. Students may be expelled for conduct on school grounds or at any school-sponsored activity that either (1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.

#### B. Conduct off School Grounds:

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct ~~is seriously disruptive of the educational process and violative of~~violates a publicized policy of the Board- and is seriously disruptive of the educational process.

#### C. Seriously Disruptive of the Educational Process:

+ In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in Section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. The Administration and/or the Board of Education may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

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

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

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# POLICY 5114(c)

## Students

### Suspension and Expulsion/Due Process

Conduct ~~which~~ that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) ~~includes conduct on school grounds or at a school sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:~~

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law.

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## POLICY 5114(d)

### Students

#### Suspension and Expulsion/Due Process

7. 7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. 8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. 9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. 10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. 11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. 12. Possession of any ammunition for any weapon described above in paragraph 11.
13. 13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. 14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Unlawful possession 15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any
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## POLICY 5114(d)

### Students

#### Suspension and Expulsion/Due Process

such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device ~~that may be used to simulate smoking~~ in the delivery of nicotine or other ~~substances~~ substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, ~~including, but not limited to, electronic cigarette liquid~~. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, ~~that and~~ is inhaled by the user of such product. For the purposes of this Paragraph 15, the term “drugs” shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

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## POLICY 5114(e)

### Students

#### Suspension and Expulsion/Due Process

46. 16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
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47. 17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
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48. 18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
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49. 19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
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20. 20. Trespassing on school grounds while on out-of-school suspension or expulsion.
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21. 21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
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22. 22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
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23. 23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
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## POLICY 5114(e)

### Students

#### Suspension and Expulsion/Due Process

24. 24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. 25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. 26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. 27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

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## POLICY 5114(f)

### Students

#### Suspension and Expulsion/Due Process

28. 28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee. **Formatted** ... [40]  
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29. 29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes. **Formatted** ... [41]  
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30. 30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult. **Formatted** ... [42]  
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31. 31. Hazing. **Formatted** ... [43]  
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32. 32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:  
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- a. a. causes physical or emotional harm to such student or damage to such student's property; **Formatted** ... [44]  
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- b. b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property; **Formatted** ... [45]  
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- c. c. creates a hostile environment at school for such student; **Formatted** ... [45]  
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- d. d. infringes on the rights of such student at school; or **Formatted** ... [46]  
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- e. e. substantially disrupts the education process or the orderly operation of a school. **Formatted** ... [47]  
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- Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or **Formatted** ... [48]  
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## POLICY 5114(f)

### Students

#### Suspension and Expulsion/Due Process

sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.

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## POLICY 5114(g)

### Students

#### Suspension and Expulsion/Due Process

35. 35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [49]
36. 36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space Before: 0 pt Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [50]
37. 37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space Before: 0 pt Formatted ... [51]
38. 38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [52]
39. 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space Before: 0 pt Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [53]
40. 40. Any action prohibited by any Federal or State law. Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space Before: 0 pt Formatted: Normal, Indent: Left: 1", Hanging: 0.5", No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [54]
41. 41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property. Formatted: Normal Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", No bullets or numbering, Tab stops: Not at 1.57" + 1.57" Formatted ... [55]
- IV. IV. Discretionary and Mandatory Expulsions Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Space Before: 0 pt Formatted: Normal, Indent: Left: 1", Hanging: 0.5", Right: 0", No bullets or numbering, Tab stops: Not at 0.57" + 0.57" Formatted ... [56]
- A. A. A principal may consider recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above. Formatted: Normal, Indent: Left: 0.5", Hanging: 0.5", Space Before: 0 pt Formatted ... [57]
- B. B. A principal must recommend expulsion proceedings in all cases against any student in grades kindergarten to twelve, inclusive, whom the Administration has reason to believe: Formatted ... [58]
1. 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, Formatted ... [59]
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## POLICY 5114(g)

### Students

#### Suspension and Expulsion/Due Process

**martial arts weapon, or firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or

2. **2. off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon, a dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or

3. **3. was engaged on or off school grounds in offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or

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POLICY 5114(h)

Students

Suspension and Expulsion/Due Process

possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms "dangerous instrument," "deadly weapon," "electronic defense weapon," "firearm," and "martial arts weapon," are defined above in Section I.

C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term "firearm" is defined above in Section I.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one

(1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.

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## POLICY 5114(h)

### Students

#### Suspension and Expulsion/Due Process

- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.
- VI. Procedures Governing Suspension
- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.
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## POLICY 5114(i)

### Students

#### Suspension and Expulsion/Due Process

for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:
  - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
  - b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of

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## POLICY 5114(i)

### Students

#### Suspension and Expulsion/Due Process

a minor student following the suspension and to state the cause(s) leading to the suspension.

5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.

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## POLICY 5114(j)

### Students

#### Suspension and Expulsion/Due Process

8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.
10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.
11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

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## POLICY 5114(j)

### Students

#### Suspension and Expulsion/Due Process

~~B.~~ B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

#### ~~VII.~~ VII. Procedures Governing In-School Suspension

~~A.~~ A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, ~~or seriously disrupts the educational process or in other appropriate circumstances~~ as determined by the principal or designee.

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## POLICY 5114(k)

### Students

#### Suspension and Expulsion/Due Process

- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

#### VIII. Procedures Governing Expulsion Hearing

##### A. *Emergency Exception:*

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

##### B. *Hearing Panel:*

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

##### C. *Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):*

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## POLICY 5114(k)

### Students

#### Suspension and Expulsion/Due Process

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. The date, time, place and nature of the hearing.

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## POLICY 5114(l)

### Students

#### Suspension and Expulsion/Due Process

- b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
- c. A short, plain description of the conduct alleged by the Administration.
- d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
- e. The student may cross-examine witnesses called by the Administration.
- f. f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
- g. g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.
- h. h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- i. i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and concerning about free or reduced-rate legal services and how to access such services.
- j. j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

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## POLICY 5114(l)

### Students

#### Suspension and Expulsion/Due Process

##### *D. D. Hearing Procedures:*

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

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## POLICY 5114(m)

### Students

#### Suspension and Expulsion/Due Process

4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section

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## POLICY 5114(m)

### Students

#### Suspension and Expulsion/Due Process

12. VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of

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## POLICY 5114(n)

### Students

#### Suspension and Expulsion/Due Process

14. the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.
- E. Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:***
- During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
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## POLICY 5114(n)

### Students

#### Suspension and Expulsion/Due Process

~~F.~~ **F.** *Stipulated Agreements:*

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

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## POLICY 5114(o)

### Students

#### Suspension and Expulsion/Due Process

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

#### IX. Alternative Educational Opportunities for Expelled Students

~~A. For the purposes of this Section, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education.~~

#### ~~B. A. *Students under sixteen (16) years of age:*~~

~~Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.~~

#### ~~C. B. *Students sixteen (16) to eighteen (18) years of age:*~~

~~1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least ~~sixteen~~seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.~~

~~2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.~~

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## POLICY 5114(o)

### Students

#### Suspension and Expulsion/Due Process

3. 3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

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

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. Content of Alternative Educational Opportunity

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

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

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# POLICY 5114(p)

## Students

### Suspension and Expulsion/Due Process

Notwithstanding ~~Sections~~Subsections IX.~~BA.~~ through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

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~~F.~~ ***F. Students for whom an alternative educational opportunity is not required:***

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The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

~~X.~~ X. Notice of Student Expulsion on Cumulative Record

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

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In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

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If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

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If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may

## POLICY 5114(p)

### Students

#### Suspension and Expulsion/Due Process

have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

#### XI. Change of Residence During Expulsion Proceedings

##### A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

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**POLICY 5114(q)**

**Students**

**Suspension and Expulsion/Due Process**

2. 2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

**B. Student moving out of the school district:**

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

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

**A. A. Suspension of IDEA students:**

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

1. 1. The Administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. 2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

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## POLICY 5114(q)

### Students

#### Suspension and Expulsion/Due Process

**B. *Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:***

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

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a

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## POLICY 5114(r)

### Students

#### Suspension and Expulsion/Due Process

change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

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2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.

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3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

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4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

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5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

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6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

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#### C. Removal of Special Education Students for Certain Offenses:

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1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

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a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or

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## POLICY 5114(r)

### Students

#### Suspension and Expulsion/Due Process

- b. b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
- e. c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. 2. The following definitions shall be used for this subsection XII.C.:
- a. a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable

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## POLICY 5114(s)

### Students

#### Suspension and Expulsion/Due Process

of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

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b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

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c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

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d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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

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A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

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1. The parents of the student must be notified of the decision to recommend the student for expulsion.

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

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3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

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## POLICY 5114(s)

### Students

#### Suspension and Expulsion/Due Process

4. 4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

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## POLICY 5114(t)

### Students

#### Suspension and Expulsion/Due Process

XIV. XIV. Procedures Governing Expulsions for Students Committed to Placed in a Juvenile Detention Center

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A. A. Any student who commits an expellable offense and is subsequently committed to placed in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to placement in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

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B. B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

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XV. XV. Early Readmission to School

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

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XVI. XVI. Dissemination of Policy

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

XVII. XVII. Compliance with Documentation and Reporting Requirements

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A. A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

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B. B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.

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C. C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9),

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## POLICY 5114(t)

### Students

#### Suspension and Expulsion/Due Process

whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

~~D.~~ D. If the Board of Education expels a student for possession of a firearm, as defined in 18

U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

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# POLICY 5114(u)

## Students

### Suspension and Expulsion/Due Process

Legal References:

Connecticut General Statutes:

Public Act ~~17-237~~, ~~19-91~~, “An Act Concerning Various Revisions and Additions to the Education Mandate Relief Statutes.”

Public Act ~~16-147~~, ~~19-13~~, “An Act Concerning Prohibiting the Recommendations Sale of the Juvenile Justice Policy Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems and Oversight Committee Vapor Products to Persons Under Age Twenty-One.”

§ 10-16 Length of school year

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act ~~§ 10-222d~~ Safe school climate plans. Definitions. Safe school climate assessments

§§ 10-233a through 10-233f Suspension and expulsion of students.  
~~§ 10-233l~~ Expulsion and suspension of children in preschool programs

~~§ 10-253~~ School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 21a-240 Definitions

~~§ 19a-342a~~ Use of electronic nicotine delivery system or vapor product prohibited

§§ 21a-408a through 408p Palliative Use of Marijuana

§ 29-38 Weapons in vehicles

§ 53a-3 Definitions

~~§ 53-344b~~ Sale and delivery of electronic nicotine delivery system or vapor products to minors

§ 53-206 Carrying of dangerous weapons prohibited.

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

State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).

State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16,

2008).

Connecticut State Department of Education, Standards for Educational Opportunities for Students Who Have Been Expelled, adopted January 3, 2018.

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## POLICY 5114(u)

### Students

#### Suspension and Expulsion/Due Process

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

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

18 U.S.C. § 921 (definition of "firearm")

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

18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")

21 U.S.C. § 812(c) (identifying "controlled substances")

34 C.F.R. § 300.530 (defining "illegal drugs") ~~Gun Free Schools Act, 20 U.S.C. § 7961 *Honig v. Doe*, 484 U.S. 305 (1988)~~

Policy adopted: ~~October 14, 1991~~ ~~MIDDLETOWN PUBLIC SCHOOLS~~

Policy revised: ~~March 10, 1982~~ ~~Middletown, Connecticut~~  
Policy revised: ~~April 11, 1984~~

Policy revised: ~~March 12, 1986~~

Policy revised: ~~December 8, 1988~~

Policy revised: ~~October 18, 1994~~

Policy revised: ~~June 4, 1996~~

Policy revised: ~~December 3, 1996~~

Policy revised: ~~October 31, 1997~~

Policy revised: ~~February 3, 1998~~

Policy revised: ~~December 1, 1998~~

Policy revised: ~~June 12, 2001~~ (Continued on next page.)

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Policy revised: ~~\_\_\_\_\_~~ May 28, 2002

Policy revised: ~~\_\_\_\_\_~~ June 8, 2004

Policy readopted: ~~\_\_\_\_\_~~ June 7, 2005

Policy revised: ~~\_\_\_\_\_~~ December 18, 2007

Policy revised: ~~\_\_\_\_\_~~ June 3, 2008

Policy revised: ~~\_\_\_\_\_~~ June 15, 2010

Policy revised: ~~\_\_\_\_\_~~ September 14, 2010

Policy revised: ~~\_\_\_\_\_~~ January 14, 2014

Policy revised: ~~\_\_\_\_\_~~ December 2, 2014

Policy revised: ~~\_\_\_\_\_~~ November 17, 2015

Policy revised: ~~\_\_\_\_\_~~ October 10, 2017

Gun-Free Schools Act, 20 U.S.C. § 7961  
*Honig v. Doe*, 484 U.S. 305 (1988)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

12/23/2019



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Series 5000  
Students

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE  
EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the \_\_\_\_\_ Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:

1. Meet with the expelled student’s parent(s)/guardian(s) prior to the student’s placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student’s academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

## POLICY 5114(u)

### Students

**Suspension and Expulsion/Due Process** <sup>3</sup> After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act (“IDEA”) shall be determined by the student’s Planning and Placement Team (“PPT”). In such case, Subsection A above shall not apply.

#### IV. Individualized Learning Plan

##### A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

##### B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
  - a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
  - b. Individualized education program (“IEP”);
  - c. Section 504 Plan;
  - d. Individualized health care plan or emergency care plan; and/or
  - e. Other relevant academic and behavioral data.
2. The ILP will address the following:

## POLICY 5114(u)

### Students

#### Suspension and Expulsion/Due Process

- a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board's academic program and earn graduation credits, if applicable;
- b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;
- d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

#### V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

## POLICY 5114(u)

### Students

A. A review of the appropriateness of the placement must occur at least once per marking period.

### Suspension and Expulsion/Due Process

B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

### VI. Transition Plan for Readmission

A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);
2. A plan to transfer the student's credits and records back to the school from which the student was expelled:
  - a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
  - b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
3. The student's need for academic and other supports upon returning to his/her school; and

## POLICY 5114(u)

### Students

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

### Suspension and Expulsion/Due Process

- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

### Legal References:

#### Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

#### Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

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

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

ADOPTED:

REVISED:

8/6/2018

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).

(Parent's/Student's Address)

(Non-custodial Parent, if applicable)

(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)

Dear (Parent/Guardian):

In accordance with the (name of district) Board of Education Policy (policy # & title), I am writing to advise you that the (name of district) Board of Education (the "Board") will hold a formal hearing concerning your (son/daughter), (Name of Student) to consider the recommendation of (name of administrator) that (he/she) be expelled from school. [In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing officer in this matter.] This hearing is being held pursuant to Section 10-233d [In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233I] and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (name of district) Board of Education Policy (policy # & title), a copy of which is enclosed. The Board (OR the hearing officer) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your (son/daughter) (for on or off-campus conduct: violated Board Policy cite Student Discipline Policy number and any other specific policy number on date and seriously disrupted the educational process) (and/or, for on-campus conduct: endangered persons or property) by engaging in the following conduct:

## POLICY 5114(u)

### Students

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

### Suspension and Expulsion/Due Process

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (date, time, place [note: unless an emergency exists, the this notice must be given to the student/parent/guardian at least five (5) business days before the hearing]). (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your (son's/daughter's) [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of (his/her) disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled. You and your (son/daughter) are asked to attend this hearing. Your (son/daughter) has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board (OR the hearing officer) may also question witnesses. An opportunity will also be given for the administration and your (son/daughter) or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board (OR the hearing officer) has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your (son/daughter) has a right to be represented, at your own expense, an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

**POLICY 5114(u)**

**Students**

~~Suspension and Expulsion/Due Process~~  
In the event your *(son/daughter)* is expelled as a result of the scheduled hearing, and your *(son/daughter)* is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your *(son/daughter)* is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your *(son/daughter)* an alternative educational opportunity if she/he wishes to continue her/his education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,

*(Name of Superintendent)*

*(Name of District)* Public Schools

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education

*(Name of Special Education director, where applicable)*

*(Name of Principal at school that student attends)*

*(Name of Board of Education Attorney, where applicable)*

*(Name of Administration's Attorney, where applicable)*

9/3/2019

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**AGREEMENT**

NAME OF SUPERINTENDENT, (Superintendent of Schools for Middletown Public Schools NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from \_\_\_\_\_ School:  
\_\_\_\_\_ School:

1. NAME OF STUDENT (D.O.B. \_\_\_\_\_ ; SASID \_\_\_\_\_ ) is currently enrolled as a \_\_\_\_\_ grade student at \_\_\_\_\_ School.  
\_\_\_\_\_ School:

2. NAME OF STUDENT admits that he/she engaged in the following conduct (*insert a short, plain statement of the conduct*) on or about \_\_\_\_\_, 20\_\_\_\_.

3. NAME OF STUDENT's conduct, as described above, violates Middletown Board of Education Policy \_\_\_\_\_ (Student Discipline) (Cite other policies here as appropriate) (State), and is considered by the district administration to be seriously disruptive of the educational process. (For conduct that occurs on school grounds or at a school-sponsored activity, you may alternatively or additionally state, whether such conduct is considered to endanger persons or to be seriously disruptive of the educational process) (property). (If the student has admitted to this conduct, note the admission here).

4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

(Optional Section for students with disabilities):

5. A manifestation determination was made on (date) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.

6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

7. Subject to the approval of the Middletown Board of Education (the "Board"), NAME OF STUDENT shall be expelled, effective \_\_\_\_\_, 20\_\_\_\_, and continuing through \_\_\_\_\_, 20\_\_\_\_, under the following conditions:

a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

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(Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 3 of public act 17-220 (a “Statutory Alternative Educational Opportunity”). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT’s right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the Standards of Educational Opportunities for Students Who Have Been Expelled, adopted by the Connecticut State Board of Education, and the Board’s Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:

[Describe alternative educational opportunity agreed to by parties.]

If NAME OF STUDENT becomes ineligible to attend the **Public** Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from his/her enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

- b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, unless specific permission is granted except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission):

- c) Prior to \_\_\_\_\_, the Superintendent will review NAME OF STUDENT’s conduct, as well as his/her attendance and effort level in the alternative educational program/opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent’s sole discretion, whether NAME OF STUDENT should be readmitted to school on or about \_\_\_\_\_.

- d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if

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NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through *(date)*, without the need for any further proceedings before the Board.

*(Optional Section for expungement if the expulsion is the student's first expulsion):*

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- e) Prior to *(date)*, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent's sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from his/her educational record as of *(date)*.
8. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the Middletown Board of Education to contest NAME OF STUDENT's proposed expulsion from the Middletown Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.
10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

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\_\_\_\_\_  
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NAME OF  
SUPERINTENDENT  
Superintendent of Schools

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

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NAME OF  
STUDENT  
Student

\_\_\_\_\_  
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NAME OF  
PARENT/GUARDIAN  
OF STUDENT

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9/3/2019



Note: This is a sample Individualized Learning Plan drafted in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, which was approved by the State Board of Education on January 3, 2018. The specific goals and benchmarks can be customized to meet the needs of individual students.

                   | **Public Schools**  
**Individualized Learning Plan**

**Student Name:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_ **Gr.** \_\_\_\_\_

**School Prior to Expulsion:** \_\_\_\_\_ **SASID:** \_\_\_\_\_

Does the student have an Individualized Education Program?     Yes     No

Does the student have a Section 504 Plan?                             Yes     No

<b>Records Reviewed with Relevant Information for the Provision of an Alternative Educational Opportunity</b>	
<input type="checkbox"/> Student Success Plan <input type="checkbox"/> Individualized Education Program (IEP) <input type="checkbox"/> Behavioral Intervention Plan (BIP) <input type="checkbox"/> Section 504 Plan <input type="checkbox"/> Individualized Health Care Plan/Emergency Care Plan	<input type="checkbox"/> Report Cards and Current Grades <input type="checkbox"/> Attendance Records <input type="checkbox"/> Disciplinary/Behavioral Records <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
<b>ILP Developed Through Collaboration With (check all that apply):</b>	
<input type="checkbox"/> Parent/Guardian: _____ <input type="checkbox"/> Parent/Guardian: _____ <input type="checkbox"/> Student: _____ <input type="checkbox"/> Administrator: _____ <input type="checkbox"/> School Counselor: _____	<input type="checkbox"/> Teacher: _____ <input type="checkbox"/> Teacher: _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Other (specify): _____
<b>Records Transferred</b>	

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Date of transfer of relevant student records from the student's school to provider of alternative educational opportunity: _____	Date of transfer of records from provider of alternative educational opportunity to the student's school: _____
--	---

<b>Records Distribution and Storage</b>
Copies of the Individualized Learning Plan will be distributed to the following locations and/or individuals and stored in accordance with the District's student records policy:
<input type="checkbox"/> Student's cumulative file  <input type="checkbox"/> The Student's receiving school or alternative educational placement  <input type="checkbox"/> Student's parent/guardian

*[Note: Districts should insert or delete locations where this record may be kept in accordance with their student records policies and practices]*

<b>Student's Classes Prior to Expulsion</b>	
<u>Core Class</u>	<u>Placement/Progress in Class at Time of Expulsion</u> <i>(e.g. current grade, current unit, etc.)</i>

*[Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.]*

**NEEDS**  
**Academic Needs**

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<input type="checkbox"/> See IEP (if applicable)
<input type="checkbox"/> Other:

<u>Behavioral Needs</u>	
<input type="checkbox"/> See IEP (if applicable)	
<input type="checkbox"/> Other:	

<u>GOALS</u>		
<u>Academic Goals</u>		
<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> Satisfactory work completion	<input type="checkbox"/> Satisfactory progress in coursework and toward meeting relevant academic standards
<input type="checkbox"/> Other:		

<u>Benchmarks to Measure Progress Toward Academic Goals</u>		
<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> Passing grades on midterm progress reports	<input type="checkbox"/> Passing grades on report card
<input type="checkbox"/> Other:		
Progress monitoring mm/dd/yy:		

<u>Behavioral Goals</u>		
<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> Satisfactory attendance	<input type="checkbox"/> Satisfactory compliance with behavioral expectations and disciplinary policies
<input type="checkbox"/> Other:		

<u>Benchmarks to Measure Progress Toward Behavioral Goals</u>		
<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> Fewer than _____ teacher referrals to administration for disciplinary matters	<input type="checkbox"/> Fewer than _____ contacts to parents/guardians for disciplinary matters



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<input type="checkbox"/> Attends alternative program _____ % or more of scheduled days/sessions.	<input type="checkbox"/> Other:
Progress monitoring mm/dd/sy:	

**INTERVENTIONS**

**Academic Interventions**

<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> See Section 504 Plan (if applicable)
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

**Behavioral Interventions**

<input type="checkbox"/> See IEP (if applicable)	<input type="checkbox"/> See Section 504 Plan (if applicable)
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

**Review and Communication of Progress to Parents/Guardians or Student**

**Method of monitoring and review:** (for most students, monitoring and reviewing progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable)

- Monitoring attendance
- Monitoring work completion
- Monitor progress toward meeting relevant academic standards
- Review and monitor progress in accordance with IEP and/or BIP (if applicable)
- Other:

**Timing for communication of progress to parents/guardians or student:** *(Progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students)*

- Each marking period
- Other:

### **Early Readmission**

The expulsion decision contains the following early readmission criteria:

- The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.
  - The student applied to the Board of Education for early readmission on \_\_\_\_\_ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:
  - The student applied to the Board of Education for early readmission on \_\_\_\_\_ and early readmission was not granted.
- The student may apply to the Superintendent for early readmission and such readmission shall be at the discretion of the Superintendent.
  - The student applied to the Superintendent for early readmission on \_\_\_\_\_ and the Superintendent granted the request and has conditioned such early readmission on the following criteria:

The student applied to the Superintendent for early readmission on \_\_\_\_\_ and early readmission was not granted.

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#### Review of Placement and ILP:

A review of the appropriateness of the placement must occur at least once per marking period. Such review must include:

- Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section)

#### Transition Plan for Readmission:

The following has been considered and, where appropriate, addressed:

- Efforts to readmit the student at a semester starting point (at the high school level)
- A plan to transfer the student's credits and record back to the student's school
- The student's need for academic and other supports upon returning to his/her school
- Efforts to connect the student with opportunities to participate in extracurricular activities

8/12/2018

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**Page 1: [1] Style Definition** **Author** **9/10/2020 9:45:00 AM**

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**Page 1: [2] Style Definition** **Author** **9/10/2020 9:45:00 AM**

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## Bylaws of the Board

### Adoption and Amendment of Policies

Policies will, barring emergencies, be adopted or amended after consideration at two meetings of the Board of Education. ~~If state statute~~ **Federal and/or State Statutes and/or Regulations** necessitate a new or revised policy, only one meeting of the Board of Education is required to adopt or amend said policy. The agenda and minutes shall be marked to indicate policy matters.

The formal adoption of policies shall be by majority vote of all members of the Board of Education and the action shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official policy.

Reference: Connecticut General Statutes

10—221 Boards of Education to prescribe rules, policies, and procedures.

Bylaw adopted: November 1, 1994  
Bylaw revised: June 6, 2000  
Bylaw revised: October 21, 2008  
Bylaw revised:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut