

# Board of Education Regular Meeting

Tuesday, October 12, 2021 6:30 PM

Middletown Common Council Chambers, 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> : Pilar Brooks
III. Adoption of Agenda	<b>Speaker (s)</b> : Deborah Cain
IV. District Highlights	<b>Speaker (s)</b> : Deborah Cain
A. 8 Middletown High Students Receive National Recognition	<b>Speaker (s)</b> : Dr. Michael Conner
B. Middletown High School Governor's Award for FAFSA	
V. Public Session	<b>Speaker (s)</b> : Deborah Cain
VI. Communications	<b>Speaker (s)</b> : Deborah Cain
A. Report of Student Representative	<b>Speaker (s)</b> : Pilar Brooks
VII. Consent Agenda	<b>Speaker (s)</b> : Deborah Cain
A. Minutes of September 14, 2021 BOE Regular Meeting	<b>Speaker (s)</b> : Deborah Cain
B. Minutes of September 21, 2021 5:25 BOE Special Meeting	<b>Speaker (s)</b> : Deborah Cain
C. Grants Status Report	<b>Speaker (s)</b> : Natalie Forbes
D. Title I, II and III Executive Summary	<b>Speaker (s)</b> : Natalie Forbes
E. Special Education Audit	<b>Speaker (s)</b> : Dr. Michael Conner
F. Extended Field Trip - 2021 VEX Robotics Invitational	<b>Speaker (s)</b> : Sam Fulkenberry
G. Extended Field Trip - 2022 VEX Robotics World Championship	<b>Speaker (s)</b> : Sam Fulkenberry
H. Extended Field Trip - Blue Tube	<b>Speaker (s)</b> : Lauren Pszczolkowski
I. Policy #3313 - REVIEW/DELETE - Relations with Vendors	<b>Speaker (s)</b> : Justin Taylor
J. Policy #3313.1 - REVIEW/DELETE - Local Purchasing	<b>Speaker (s)</b> : Justin Taylor
K. Policy #3320 - REPLACE - Purchasing Procedures	<b>Speaker (s)</b> : Justin Taylor
L. Policy #3520.13 - REVIEW/DELETE - Student Data Protection and Privacy/Could-Based Issues	<b>Speaker (s)</b> : Justin Taylor
M. Policy #4010 - NEW POLICY - Hiring of Certified Staff	<b>Speaker (s)</b> : Justin Taylor
N. Policy #4020 - NEW POLICY - Hiring of Non-Certified Staff	<b>Speaker (s)</b> : Justin Taylor
O. Policy #4111.3 - REPLACE - Minority Recruitment Plan	<b>Speaker (s)</b> : Justin Taylor
P. Policy #4112.4 - DELETE - Health Examinations	<b>Speaker (s)</b> : Justin Taylor

	Taylor
Q. Policy #4112.52 - READOPT - Criminal History Record Information	<b>Speaker (s)</b> : Justin Taylor
R. Policy #4112.6 - REVIEW/DELETE - Personnel Records	<b>Speaker (s)</b> : Justin Taylor
S. Policy #4112.8 - REPLACE - Nepotism; Employment Relatives	<b>Speaker (s)</b> : Justin Taylor
T. Policy #4117.4 - DELETE - Non-renewal/Suspension	<b>Speaker (s)</b> : Justin Taylor
U. Policy #4138 - READOPT - Non-School Employment	<b>Speaker (s)</b> : Justin Taylor
V. Policy #4147 - DELETE - Employee Safety	<b>Speaker (s)</b> : Justin Taylor
W. Policy #4148 - DELETE - Employee Protection	<b>Speaker (s)</b> : Justin Taylor
X. Policy #4212.42 - DELETE - Drug and Alcohol Testing for School Bus Drivers	<b>Speaker (s)</b> : Justin Taylor
Y. Policy #5125 - REPLACE - Student Records, Confidentiality - Directory Information	<b>Speaker (s)</b> : Justin Taylor
<b>VIII. Department Reports</b>	<b>Speaker (s)</b> : Deborah Cain
A. Financial Report	<b>Speaker (s)</b> : C Bourne / C Walcott
1. Action on Line Item Transfer Report	<b>Speaker (s)</b> : C Bourne / C Walcott
B. Facilities Department	<b>Speaker (s)</b> : Peter Staye
C. Personnel Report	<b>Speaker (s)</b> : Geen Thazhampallath
D. Transportation Report	<b>Speaker (s)</b> : Mark Langton
<b>IX. Superintendent's Report</b>	<b>Speaker (s)</b> : Michael Conner
A. Beman Middle and Middletown High School Update	<b>Speaker (s)</b> : Michael Conner
B. Districtwide SEL Efforts	<b>Speaker (s)</b> : Dr. Michael Conner
C. ONE Middletown	<b>Speaker (s)</b> : Dr. Michael Conner
D. Special Education Audit	<b>Speaker (s)</b> : Dr. Michael Conner
<b>X. Committees</b>	
A. Budget Committee	<b>Speaker (s)</b> : Sean King
B. Curriculum Committee	<b>Speaker (s)</b> : Lisa Loomis
C. Facilities Committee	<b>Speaker (s)</b> : Deborah Cain
D. Policy Committee	<b>Speaker (s)</b> : Justin Taylor
E. New Middle School Building Committee	<b>Speaker (s)</b> : Anita Dempsey White
<b>XI. Action Items</b>	<b>Speaker (s)</b> : Deborah Cain
A. Personnel Committee	<b>Speaker (s)</b> : Deborah Cain
B. Policy #4115.3 - REPLACE - Evaluation Coaches	<b>Speaker (s)</b> : Justin

	Taylor
C. Policy #4115.5 - NEW/REVIEW/ADOPT - Sudden Cardiac Arrest Awareness - Coaches	<b>Speaker (s)</b> : Justin Taylor
D. Policy #4118.234 Policy - REPLACE - Psychotropic Drug Use	<b>Speaker (s)</b> : Justin Taylor
E. Policy #4118.51 - REPLACE - Social Media	<b>Speaker (s)</b> : Justin Taylor
F. Policy #4147.1 - REPLACE - Occupational Exposure to Bloodborne Pathogens	<b>Speaker (s)</b> : Justin Taylor
G. Policy #5131.911 - REPLACE - Bullying, Prevention, and Intervention	<b>Speaker (s)</b> : Justin Taylor
H. Policy #5141.231 - DELETE - Psychotropic Drug Use	<b>Speaker (s)</b> : Justin Taylor
I. Policy #5141.32 - REVISE - Immunizations	<b>Speaker (s)</b> : Justin Taylor
J. Policy #5145 - REPLACE - Section 504 of the Rehabilitation Act of 1973	<b>Speaker (s)</b> : Justin Taylor
K. Policy #5145.5 - REVISE - Prohibition of Sex Discrimination and Sexual Harassment	<b>Speaker (s)</b> : Justin Taylor
<b>XII. Future Agenda Items</b>	<b>Speaker (s)</b> : Deborah Cain
A. New Items	<b>Speaker (s)</b> : Deborah Cain
<b>XIII. Adjournment</b>	<b>Speaker (s)</b> : Deborah Cain

## **Board of Education Regular Meeting**

September 14, 2021 6:30 PM

Virtual Meeting

Board Members Present: Chairwoman 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. Alberto Vazquez Matos, Chief of School Operations and Communications Marco Gaylord, Chief of Administration Christine Bourne, Chief of Talent and Performance Management Geen Thazhampallath, Director of Performance Management and Strategic Processes Jennifer Cannata, Director of Information Technology Michael Skott, Director of Innovation & Grants Natalie Forbes, Director of Communications Jessie Lavorgna, Director of Assessment, Professional Development and Instruction Paul Griswold, Director of Pupil Services Vacianna Farquharson, Director of Facilities Peter Staye, Student Representative Pilar Brooks, Assistant to the Superintendent and Board of Education Joyce Carey and 15 visitors.

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

Board Chair Deborah Cain called the meeting to order 6:30 PM.

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

Mr. King led the Pledge of Allegiance.

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

**MOTION:** A motion to adopt the agenda was made by Dr. Loomis with a second by Mr. King – unanimous vote.

### **IV. DISTRICT HIGHLIGHTS**

#### **A. Strategic Planners Middletown 2024**

Dr. Conner shared that the Strategic Planners worked for 6 months to develop Middletown 2024. He thanked all stakeholders for their time and dedication. He thanked each participant by name. The new strategic operating plan will be voted on this evening.

Mr. Thazhampallath introduced new administrators that have recently been hired. Kristie Bourdoulous is the new principal at Bielefield Elementary School. Jessie Lavorgna joins Middletown Public Schools as the Director of Communications. Vacianna Farquharson joins Middletown Public Schools as the Director of Pupil Services. Paul Griswold joins Middletown Public Schools as the Director of Assessment, Professional Development and Instruction.

Dr. Conner shared that September 15 through October 15 is Hispanic Heritage Month. Ms. Lavorgna read the proclamation in English and Dr. Vazquez Matos read the proclamation in Spanish.

## V. PUBLIC SESSION

Chair Cain explained the rules of Public Session.

Colleen Sylvestre, parent, 94 Hunting Hill Ave shared that she is thankful for the teachers and Board Members. She disagrees with the district's recess plan. She feels it is effecting children's well-being. She is asking for the district to instate a 25-minute recess break.

Sara Ribnicky, parent, 52 Apple Lane agrees that students should have a 25-minute recess break. She shared her children's experience with recess.

Steve Miller, parent, 172 Higby Road shared that a petition has been signed to support recess. Mrs. Miller stated there is not enough time with students lining up and sanitizing. Children need to be outside.

Merly De La Hoz-Cookson, parent, 187 Spencer Drive shared a story of middle school students being able to play and the positive effect on had on their behavior. She is advocating for nonstructural play for all students. She reminded everyone of the time students spent on screens last year.

Bill Perkins, parent, 31 Green Street shared that he agrees that recess is an issue that needs to be addressed. He spoke of transparency and asked about why the district hired 6 Directors but no duty aides. He feels duty aides pay should be increased.

Amy Webster, parent, 36 Cedar Street would like the 25-minute recess instated. She shared the benefits of recess. She shared that her children are not getting recess.

Carrie Henry, parent, 70 Grove Street agreed that she supports a 25-minute recess break. She shared the shorter breaks are causing learning loss. She asked what the roadblocks were to not have a longer recess. She encouraged MPS to be innovated.

Diana Martinez, parent, 143 Prospect Street stated her child is not getting the two 10 minute breaks during the school day. She also addressed the number of people leaving the district. She asked that it be looked into.

Katherine Pek, parent 106 Schyler Ave. thanked everyone for keeping students safe during COVID. She would like more time for children to socialize and play. She shared the skills children will gain from play. She also shared the bussing difficulties her family has been experiencing this year.

Bobbie Knoll Peterson, Chief of Staff for Mayor Florsheim, parent, 10 Knox Blvd. Ms. Knoll Peterson would like to be available to address any questions regarding hiring practices due to miscommunication that she was informed of. Mayor Florsheim will also be available for questions.

## VI. COMMUNICATIONS

### A. Report of Student Representative

Pilar Brooks will be the Student Representative for the 2021-2022 school year. Ms. Brooks thanked all participants. She shared at the opening of school members of the community participated in the Boss Up Event and welcomed students to school. She shared the upcoming athletic events this week. There were no questions.

## VII. CONSENT AGENDA

- A. Minutes of August 31, 2021 BOE Special Meeting
- B. Grants Status Report
- C. ARP ESSER Exe. Summary
- D. Spring 2021 Sports BOE Report
- E. DECA Power Trip College & Career Conference
- F. DECA Sports and Entertainment Management Conference
- G. DECA International Career Development Conference

**VOTE:** All board members voted to accept the Consent Agenda Items by saying aye – unanimous vote.

## VIII. DEPARTMENT REPORTS

### A. Financial Report

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

Ms. Bourne shared there is no financial report for September. The number of students eating in the cafeteria has greatly increased this year. She explained the line item transfers on supplies and bus software. Mr. King asked if the duty aides were being hired. Ms. Bourne shared that all schools but 2 are fully staffed. Those 2 have staff but do have openings which is not uncommon.

**VOTE:** All board members voted to accept the Line Item Transfer Report by saying aye -unanimous vote.

### B. Facilities Department Report

Mr. Staye shared Beman had a successful opening. He reviewed the projects completed over the summer. Mr. King asked for details on the storm damage and the work being done. Mr. Staye shared the storm damage and work being done at Snow, Lawrence, Keigwin and Central Office. All work was covered by insurance. Ms. Cain commended Mr. Staye and his crew for all the work that was completed over the summer.

### C. Personnel Report

Mr. Thazhampallath shared the work being done in his office. There are active recruitments posted and positions continue to be filled. Dr. Conner interviews each new certified staff member. MPS continues to recruit paraprofessionals. Chair Cain thanked Mr. Thazhampallath for his work this summer. Dr. Loomis shared she is concerned about the percentage of administrators that have left the district. Mr. Thazhampallath shared he has conducted exit interviews. Many different factors were given for leaving the district. Mr. Sugar asked about the recruitment of duty aides. Mr. Thazhampallath stated there are only 2 openings for duty aides. He has expanded the outlets for postings and is confident they will be filled shortly. Hours and wage increases were added as incentives. Mr. Gaylord shared MPS is working with bus drivers to work as duty aides during the school day. Mr. King asked for a breakdown of the 17 noncertified vacancies. Mr. Thazhampallath shared those are temporary custodians, substitute café workers, building substitutes and substitute teachers. These need areas are statewide. Ms. Rose Daniels asked for clarification that recess is not a

staffing issues but a decision made by administration. Dr. Conner confirmed that is correct. It is a mitigation strategy to keep schools open. Positive rates have increased across the state and he stressed the importance of keeping the students in school.

#### D. Transportation Report

Chair Cain asked how the bus driver shortage is effecting Middletown. Mr. Gaylord shared that Middletown is very lucky. We are down drivers and creative strategies are in place for recruitment. Mr. Gaylord thanked all of the bus drivers for their hard work and dedication. Chair Cain agreed she is grateful for our drivers.

### **IX. Superintendent's Report**

Dr. Conner addressed the recess issue. He shared his research the American Academy of Pediatrics report that a showed multiple recess short recess breaks are allowing students to mentally decompress.

George Lucas Education Foundations shared multiple recess breaks helps with students' behavior.

He also reminded everyone that we are still in the middle of a pandemic. We have seen other districts closing classrooms and schools. Every mitigation strategy will remain in place to ensure our students, staff and community stay healthy.

Mr. Gaylord shared that recess time is also a mask break for students. Music and Physical Education are encouraged to take place outside. He shared the protocols in place are the in the interest of safety for students and staff. The 10 minutes do not include transition time. He shared that students are required to wear masks on the bus. 95% of our employees are vaccinated. Covid communications are going out to families via email nightly. He thanked Erin and the café workers for their hard work.

Parent and student tours were done before the first day of school. Mr. Gaylord thanked Ms. Gonzalez, Mr. Geary and the student leaders for their hard work. There will be an Open House in October. Mr. King asked if there is a formal policy for recess. Dr. Conner stated no, it is guidance from the State. He understands there is different research on the best way to have the time structure. He asked if the teachers have given any feedback. Mr. Gaylord has been to many schools and has not received any complaints from teachers or administrators. He asked if teachers have flexibility for more time if needed. Dr. Vazquez Matos shared yes, teachers were told to not count transition time but to only follow mitigation strategies.

Ms. Rose Daniels asked for clarification on mask breaks for the middle and high school students. Mr. Gaylord shared that each small learning community at Beman are working on the details. They are getting breaks but the process will continue to improve. Teachers at MHS continue to work through the different schedules. He has seen classes outside and the process will improve as we get further in the school year.

Ms. Ford asked if each school could be looked at individual play space. She also stated that teachers are not receiving their 25-minute prep time. Dr. Conner shared he is using research as guidance. The priority for the restructuring of recess is for safety for our students, staff and families to remain healthy and keep our schools open. Mr. Gaylord stated that the 25-minute prep time was used for data time for teachers. The data time requirement was lowered and additional specials were added so that teachers still keep their prep time. An MOA was signed by the union and the administration. She added that outdoor time with masks could be added if it added more outdoor time.

Dr. Loomis clarified if middle and high school students are playing sports. Dr. Conner replied yes. Dr. Loomis shared that she would like to have administrators take another look at more time outside. She believes there is time within the school day for more breaks for students.

Dr. Conner discussed the process for making the decision. The MOA was created with the teacher's union, discussion with the health department and speaking with school leaders.

Chair Cain agreed that we cannot forget that we are in a pandemic. All students are back in school and we need to continue to be vigilant and keep everyone safe.

Ms. Dempsey White discussed that we are in a pandemic. Elementary students are not vaccinated and we need to focus on student safety.

A. Overview of Middletown 2024 (2<sup>nd</sup> Overview)

Dr. Conner gave an overview of Middletown 2024, the new Strategic Operating Plan. The Board was first given the document on August 1. There were no questions. Dr. Conner again thanked all of the Strategic Planners for their work and dedication.

B. Review of Summer Programming and 2021-2022 School Year

Dr. Vazquez Matos shared the Summer Literacy Academy was for students with Tier 2 and Tier 3 supports. There was personalized learning and project based activities in SLA for these students. There were many successes over the course of the program for the students. Mr. Gaylord thanked the YMCA staff for providing the afternoon activities for the students. Chair Cain thanked everyone for a successful summer program.

**X. Committees**

A. Budget Committee

Mr. King shared that the committee met September 13, 2021. Most topics were also discussed tonight. Staffing issues, summer projects and bussing were all topics discussed. There were no questions.

B. Curriculum Committee

Dr. Loomis stated the committee has not met yet this month. The meeting will be rescheduled. There were no questions.

C. Facilities Committee

The last committee meeting was in June with a tour of Beman Middle School. The next meeting is September 15. There were no questions.

D. Policy Committee

The last meeting was held in June. All updates will be addressed in Action Items. The next meeting will be September 21.

E. SRO Exploratory Committee

Dr. Loomis shared the committee unanimously voted to review the MOU that was agreed in 2013. Ms. Loomis reviewed the committee members. There were 6 meetings for the committee. Each SRO was heard from. There was also a public hearing along with public emails. There were members in favor of SROs and some members not in favor of SROs.

Chair Cain commended Dr. Loomis for taking on this task. Mr. King also thanked Dr. Loomis for taking on this task. Ms. Cannata agreed.

F. New Middle School Building Committee

Ms. Dempsey White stated that all information was previously reviewed.

**XI. Action Items**

A. Approve and accept Middletown 2024: Elevating Innovation, Creativity, and Equity Strategic Operating Plan

**MOTION:** Motion to approve and accept Middletown 2024: Elevating Innovation, Creativity, and Equity Strategic Operating Plan was made by Ms. Rose Daniels and a second by Mr. King – unanimous vote.

B. Establish a committee to update 1. the MOU between MPS and MPD and 2. data reporting and oversight

**MOTION:** A motion to establish a committee to update 1. the MOU between MPS and MPD and 2. data reporting and oversight was made by Ms. Rose Daniels and a second by Dr. Loomis – with one abstention by Mr. Pulino

C. Policy #3313 - REVIEW/DELETE - Relations with Vendors

**MOTION:** A motion to accept Policy #3313 - REVIEW/DELETE - Relations with Vendors was made by Mr. Taylor and a second by Mr. King – unanimous vote.

D. Policy #3313.1 - REVIEW/DELETE - Local Purchasing

**MOTION:** A motion to accept Policy #3313.1 - REVIEW/DELETE - Local Purchasing was made by Mr. Taylor and a second by Mr. King – unanimous vote.

E. Policy #3320 - REPLACE - Purchasing Procedures

**MOTION:** A motion to accept Policy #3320 - REPLACE - Purchasing Procedures was made by Mr. Taylor and a second by Mr. King – unanimous vote.

F. Policy #3520.13 - REVIEW/DELETE - Student Data Protection and Privacy/Could-Based Issues

**MOTION:** A motion to accept Policy #3520.13 - REVIEW/DELETE - Student Data Protection and Privacy/Could-Based Issues was made by Mr. Taylor and a second by Mr. King – unanimous vote.

G. Policy #4010 - NEW POLICY - Hiring of Certified Staff

**MOTION:** A motion to accept Policy #4010 - NEW POLICY - Hiring of Certified Staff was made by Mr. Taylor and a second by Mr. King – unanimous vote.

H. Policy #4020 - NEW POLICY - Hiring of Non-Certified Staff

**MOTION:** A motion to accept Policy #4020 - NEW POLICY - Hiring of Non-Certified Staff was made by Mr. Taylor and a second by Mr. King – unanimous vote.

I. Policy #4111.3 - REPLACE - Minority Recruitment Plan

**MOTION:** A motion to accept Policy #4111.3 - REPLACE - Minority Recruitment Plan Policy was made by Mr. Taylor and a second by Mr. King – unanimous vote.

J. Policy #4112.4 - DELETE - Health Examinations

**MOTION:** A motion to accept Policy #4112.4 - DELETE - Health Examinations was made by Mr. Taylor and a second by Mr. King – unanimous vote.

K. Policy #4112.52 - READOPT - Criminal History Record Information

**MOTION:** A motion to accept Policy #4112.52 - READOPT - Criminal History Record Information was made by Mr. Taylor and a second by Mr. King – unanimous vote.

L. Policy #4112.6 - REVIEW/DELETE - Personnel Records

**MOTION:** A motion to accept Policy #4112.6 - REVIEW/DELETE - Personnel Records was made by Mr. Taylor and a second by Mr. King – unanimous vote.

M. Policy #4112.8 - REPLACE - Nepotism; Employment Relatives

**MOTION:** A motion to accept Policy #4112.8 - REPLACE - Nepotism; Employment Relatives was made by Mr. Taylor and a second by Mr. King – unanimous vote.

N. Policy #4117.4 - DELETE - Non-renewal/Suspension

**MOTION:** A motion to accept Policy #4117.4 - DELETE - Non-renewal/Suspension was made by Mr. Taylor and a second by Dr. Loomis – unanimous vote.

O. Policy #4138 - READOPT - Non-School Employment

**MOTION:** A motion to accept Policy #4138 - READOPT - Non-School Employment was made by Mr. Taylor and a second by Ms. Ford – unanimous vote.

P. Policy #4147 - DELETE - Employee Safety

**MOTION:** A motion to accept Policy #4147 - DELETE - Employee Safety was made by Mr. Taylor and a second by Ms. Dempsey White – unanimous vote.

Q. Policy #4148 - DELETE - Employee Protection

**MOTION:** A motion to accept Policy #4148 - DELETE - Employee Protection was made by Mr. Taylor and a second by Mr. King – unanimous vote.

R. Policy #4212.42 - DELETE - Drug and Alcohol Testing for School Bus Drivers

**MOTION:** A motion to accept Policy #4212.42 - DELETE - Drug and Alcohol Testing for School Bus Drivers was made by Mr. Taylor and a second by Dr. Loomis – unanimous vote.

S. Policy #5125 - REPLACE - Student Records, Confidentiality - Directory Information

**MOTION:** A motion to accept Policy #5125 - REPLACE - Student Records, Confidentiality - Directory Information was made by Mr. Taylor and a second by Ms. Ford – unanimous vote.

**XII. FUTURE AGENDA ITEMS**

XII.A. New Items

Mr. King asked if the Board was able to meet in person. Chair Cain stated that we will attempt to have the October meeting in person in Council Chambers.

**XIII. ADJOURNMENT**

**MOTION:** Move to adjourn at 9:26PM passed with a motion by Chair Cain and a second by Ms. Ford– unanimous vote.

Respectfully Submitted,

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Anita Dempsey-White  
Secretary

ADW/jc

**Board of Education Special Meeting**

September 21, 2021 5:25 PM

Virtual Meeting

Board Members Present: Board Members Present: Chairwoman Deborah Cain, Dina Ford, Sean King, Lisa Loomis, and Justin Taylor

Others Present: Superintendent of Schools Dr. Michael Conner, Chief of Operations Marco Gaylord, Chief of Administration Christine Bourne, Chief of Academics Dr. Alberto Vazquez Matos, Director of Innovation & Grants Natalie Forbes, Assistant to the Superintendent and Board of Education Joyce Carey and 0 visitors.

**I. CALL TO ORDER**

Board Chair Deborah Cain called the meeting to order at 5:30 PM.

**II. APPROVAL OF MINUTES OF SEPTEMBER 21,2021 5:15 PM**

**Motion:** Move to approve Minutes of BOE Special Meeting September 21, 2021 5:15 PM was made by Ms. Ford and a second by Dr. Loomis - unanimous vote.

**III. ADJOURNMENT**

**Motion:** A motion to adjourn was made at 5:32 PM with a motion by Mr. King and a second by Dr. Loomis - unanimous vote.

Respectfully Submitted,



Sean King  
Acting Secretary

SK/jc

**GRANTS REPORT****10/7/21**

The following grants were confirmed this month:

Grant Title	Funder	SY22	SY21
21C Afterschool @ Farm Hill	CSDE	50,000*	75,000
Title 3 Public + Non Public	CSDE	22,594	24,386
American Rescue Plan (ARP ESSER)	CSDE	7,439,743	0
Alliance	CSDE	5,621,835	0
RISE Innovation Grant	Dalio Foundation	186,500**	200,000
Tritown Collaborative for Out of School Youth	WIOA	17,279	22,964.64

\*Funding variance is due to 5<sup>th</sup> year reduction of 50% that is built in to grant cycle.

\*\* Reduced ward reflects carryover funds remaining from prior year due to Covid.

The Fund for Greater Hartford has invited MPS to submit an application in the amount of \$25,000 in late October in support of Bridge to Brilliance.

Respectfully submitted,

Natalie Forbes, Director of Innovation & Grants

**EXECUTIVE SUMMARY**  
CONSOLIDATED APPLICATION FOR FEDERAL GRANTS FOR 2021-22

The State Department of Education requires school districts to submit a Consolidated Application for - 2021-22 Federal grants. The funding levels indicated reflect the public school allocations only.

**1) Title I, Part A –Improving Basic Programs** **\$977,466.98**

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, 2020 enrollment and free/reduced rates are used to determine Title I eligibility.

For the 2021-22 school year Bielefield, Farm Hill, Macdonough, Spencer, and Snow Elementary Schools & Beman Middle School will receive Title I services, as well as St. John Paul II School. Title I will provide funding for: parent engagement, administrative, instructional, innovation, and interventionist positions.

**2) Title II, Part A: Teacher/Principal Training, PD and Recruitment** **\$118,612.37**

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 and training that aligns with the Strategic Operating Plans: Middletown 2024: Keys to Innovation, Creativity, and Equity, and Early Minds 2022: Pathways to Readiness & Equity.

**3) Title III –English Language Acquisition & Language Enhancement, incl. Immigrant Youth** **\$22,029.15**

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 2021-22 Title I, Title II-A & Title III Grants: \$ 1,118,108.50 (-2% over 2020-21)

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)

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

**Instruction**  
**Field Trips and Community Service**

**OVERNIGHT & OUT-OF-STATE FIELD TRIP REQUEST FORM**

All overnight and out-of-state field trips require the approval of the Board of Education 60 days in advance of the departure date. All foreign travel field trips must be submitted for Board approval 90 days in advance of the departure date. The following information must be forwarded electronically and in TRIPLICATE (hard copies) 30 days prior to the Board meeting which summarizes the trip. NOTE: A Narrative must be attached justifying this field trip to the school curriculum and/or mission statement. No financial commitments are to be made until Board approval. **This form must be type written and ALL items filled in or marked N/A.**

Name of School: **Middletown High School**

Date of Request: **8-31-21**

Name of Club or Activity: **Blue Dragon Robotics Team**

Trip To: **Worcester Polytechnic Institute - 100 Institute Rd., Worcester, MA 01609**

Purpose: **2021 VEX Robotics Invitational - High School Division**

Number of Students Participating: **20**

Number of students eligible to go on the field trip: **20**

Dates of Trip: **Thursday 12-2-21 to Saturday 12-4-21**

# of school days missed: **2**

Names of Teachers and Chaperones:

<b>Sam Faulkenberry</b>	
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Transportation: **car**

Are fund-raising activities planned: **yes** If so, describe: **Middletown VEX Robotics State Qualifier**

Amount of money raised through fundraisers: **\$2000**

Lodging: **hotel**

Insurance Arrangements for Staff and Students:

Cost per Student: **\$500**


Cost per Teacher and/or Chaperone:

Cost per Nurse: **n/a**

Cost per Paraprofessional: **n/a**

If travel agencies are engaged, at least three quotations need to be provided with documentation attached to this form: **n/a**

Name of teacher making request: **Sam Faulkenberry** 

Approved by Department Head at secondary level: 

Approved by Principal: 

Authorized by Chief Academic Officer: 

Superintendent Approval: \_\_\_\_\_

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

**2021 Worcester Polytechnic Institute VEX Robotics Invitational - High School Division  
Middletown High School Blue Dragon Robotics Team 9909**

Middletown High School offers a rigorous 3-year Robotics and Engineering co-curricular program in which students have the opportunity to practically apply course curriculum through competitive venues.

Blue Dragon Robotics has been competing in VEX Robotics competitions for the past 8 years against top ranked high school programs. Team 9909 has previously qualified and competed at the VEX Robotics World Championship hosted in Louisville, KY during the 2018-19 season. Also, through health safety concerns and travel restrictions, Blue Dragon Robotics qualified and competed in the first VEX Robotics All-virtual World Championship during the 2020-21 school year.

The 2021 Worcester Polytechnic Institute VEX Robotics Invitational will be held in Worcester, MA from Thursday, December 2 to Saturday, December 4, 2021. This open qualification event gives students the unique opportunity to compete against premier teams from across the United States.

The cost of the competition will be approximately \$500.00 per student including registration, transportation, and lodging accommodations.

To ensure that the trip is a financially equitable opportunity for all team members, the Middletown Robotics Team completes fund-raising activities which include hosting a VEX Robotics State Qualifier at the high school.

Samuel Faulkenberry, Technology Education teacher and Middletown Robotics Team advisor, will chaperone the trip.

Students will miss a total of two school days.

Mr. Faulkenberry will meet with parents and students to discuss all expectations and procedures for the trip in order to insure a safe and enriching experience.

Students will also confirm that missed work and lessons during that week are completed prior to the trip.

To conclude, this event is an exciting and unique educational opportunity for students as they continue to prepare for their academic and professional future. The Middletown High School Robotics team would greatly appreciate approval for the proposed trip to the 2021 Worcester Polytechnic Institute VEX Robotics Invitational.

Middletown VEX Robotics State Qualifier  
1-11-20



VEX World Championship, Louisville, KY  
4-24-19



Worcester Polytechnic National Open  
1-16-20



**Instruction**  
**Field Trips and Community Service**

**OVERNIGHT & OUT-OF-STATE FIELD TRIP REQUEST FORM**

All overnight and out-of-state field trips require the approval of the Board of Education 60 days in advance of the departure date. All foreign travel field trips must be submitted for Board approval 90 days in advance of the departure date. The following information must be forwarded electronically and in TRIPLICATE (hard copies) 30 days prior to the Board meeting which summarizes the trip. NOTE: A Narrative must be attached justifying this field trip to the school curriculum and/or mission statement. No financial commitments are to be made until Board approval. **This form must be type written and ALL items filled in or marked N/A.**

Name of School: **Middletown High School**

Date of Request: **8-31-21**

Name of Club or Activity: **Blue Dragon Robotics Team**

Trip To: **KBH Convention Center - 650 S Griffin St, Dallas, TX**

Purpose: **2022 VEX Robotics World Championship - High School Division**

Number of Students Participating: **15**

Number of students eligible to go on the field trip: **15**

Dates of Trip: **Tuesday 5-3-22 to Sunday 5-8-22**

# of school days missed: **4**

Names of Teachers and Chaperones:

1. <b>Sam Faulkenberry</b>	
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Transportation: **plane, bus**

Are fund-raising activities planned: **yes** If so, describe: **Middletown VEX Robotics State Qualifier**

Amount of money raised through fundraisers: **\$3000**

Lodging: **hotel**

Insurance Arrangements for Staff and Students: **CTEEA Policy**


Cost per Student: **\$1200**

Cost per Teacher and/or Chaperone:


Cost per Nurse: **n/a**

Cost per Paraprofessional: **n/a**

If travel agencies are engaged, at least three quotations need to be provided with documentation attached to this form: **n/a**

Name of teacher making request: **Sam Faulkenberry** 

Approved by Department Head at secondary level: 

Approved by Principal: 

Authorized by Chief Academic Officer: 

Superintendent Approval: \_\_\_\_\_

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

**2022 VEX Robotics World Championship - High School Division  
Middletown High School Blue Dragon Robotics Team 9909**

Middletown High School offers a rigorous 3-year Robotics and Engineering co-curricular program in which students have the opportunity to practically apply course curriculum through competitive venues. Students enrolled in the course focus on developing skills necessary to pursue STEM orientated education and careers. The Middletown High School Robotics team encourages students to practically apply course curriculum through competitive venues. Blue Dragon Robotics has been competing against premier programs in VEX Robotics competitions for the past 8 years.

Through the 2021-22 competitive season, Middletown High School Robotics will compete to qualify for the Southern New England VEX Robotics Regional Championships. This event gives the team the opportunity to qualify them for the 2022 VEX Robotics World Championship.

The 2022 VEX Robotics World Championship will be hosted in Dallas, Texas from Tuesday May 3 to Sunday May 8, 2022. Student will integrate STEM orientated concepts with team building and collaboration skills at an international competitive level. Criteria for events will include robotics mechanical design, quality in construction, implementing the engineering design process, programming, project presentations, teamwork, and sportsmanship.

The cost of the competition will be approximately \$1200 per student including registration, transportation, and lodging accommodations.

To ensure that the trip is a financially equitable opportunity for all team members, the Middletown Robotics Team completes fund-raising activities which include hosting a VEX Robotics State Qualifier at the high school.

Samuel Faulkenberry, Technology Education teacher and Middletown Robotics Team advisor, will chaperone the trip.

Students will miss a total of four school days.

Mr. Faulkenberry will meet with parents and students to discuss all expectations and procedures for the trip in order to insure a safe and enriching experience.

Students will also confirm that missed work and lessons during that week are completed prior to the trip.

To conclude, this event is an exciting and unique educational opportunity for students as they continue to prepare for their academic and professional future. The Middletown High School Robotics team would greatly appreciate approval for the proposed trip to the 2022 VEX Robotics World Championship.

Middletown VEX Robotics State Qualifier  
1-11-20



VEX World Championship, Louisville, KY  
4-24-19



Worcester Polytechnic National Open  
1-16-20



**Instruction**  
**Field Trips and Community Service**

**OVERNIGHT & OUT-OF-STATE FIELD TRIP REQUEST FORM**

All overnight and out-of-state field trips require the approval of the Board of Education 60 days in advance of the departure date. All foreign travel field trips must be submitted for Board approval 90 days in advance of the departure date. The following information must be forwarded electronically and in TRIPLICATE (hard copies) 30 days prior to the Board meeting which summarizes the trip. NOTE: A Narrative must be attached justifying this field trip to the school curriculum and/or mission statement. No financial commitments are to be made until Board approval. **This form must be typewritten and ALL items filled in or marked N/A.**

Name of School: Middletown High

Date of Request: 9/23/21

Name of Club or Activity: BlueTube

Trip To: Long Beach California

Purpose: Student Television Network Convention

Number of Students Participating: approx 12

Number of students eligible to go on the field trip: All Morning News and Advanced Video Students

Dates of Trip: From: 2/16/22

To: 2/23/22

3 # of school days missed:

Names of Teachers and Chaperones:

1. Lauren Pszczolkowski	5.
2. TBD	6.
3.	7.
4.	8.

Number of Non-Chaperone Adults going on trip:

Transportation: Bus      Van      Train      Plane x      Car      x      Other

Are fund-raising activities planned: Yes If so, describe: A variety of fundraising has been planned throughout the year

Amount of money raised through fundraisers: TBD

Lodging: x      Hotel/Motel      Camp      Private Home

Insurance Arrangements for Staff and Students:

Cost per Student: \$      \$1600      Cost per Teacher and/or Chaperone: \$1600

Cost per Nurse: \$      Cost per Paraprofessional: \$  
(if necessary)      (if necessary)

If Travel Agencies are engaged, at least three quotations need to be provided with documentation attached to this form:

a. Expedia

c. Travelocity

b. AAA

d. Other

Name of teacher making request: Lauren Pszczolkowski

Approved by Department Head at secondary level:



Approved by Principal:



Authorized by Associate Superintendent:

Superintendent Approval:

\_\_\_\_\_

Date:

2022 BlueTube  
Television & Film Field Trip  
2/16-2/23 2022

To The Board of Education,

I am requesting approval for the annual BlueTube Television & Film Field Trip. This field trip has been an inspiring trip for Middletown High's Television and Film Class for the past 10 years. Students who have completed our TV/Film Courses and field trips have proven to be successful, and we have several students working in the industry including ESPN, FOX, Channel 3, as well as independent film companies. We have the unique opportunity to visit California for the



Student Television Network Convention and the heart of the film-making industry, where students can not only make lasting memories but the opportunity to make life long connections. I would love to use this opportunity to immerse our students into the film world. Our visits and activities include:

- Student Television Network Convention
- Hollywood
- Red Studio Tour
- Warner Brother Studios
- Film Festival
- College Visit
- Paramount Studio Tour
- Television Show Live Taping





# California

The Student Television Network Convention



## INFO

Tentative 2/16-2/23

\$1600

*Includes: Travel, Lodging,  
Competition, most activities  
& food.*

### Criteria:

Must be enrolled & passing  
Morning News or Advanced  
Video.

No disciplinary or  
attendance issues

Passing all classes

## The Ultimate Television & Film Experience....

Students will meet and work with film and television students from across the country, compete in film competitions and participate in television and film seminars. When we aren't at the convention, we will be immersed in all that California has to offer a film lover. Students will leave with lifelong memories & once in a lifetime experiences.

### Activities:

STN Convention  
Warner Brother Studios  
Live TV Show Taping  
Hollywood  
Paramount Studios After Dark Tour  
Griffith Park  
Experience California!



# The Student Television Network

## Convention

The 20th Annual STN Convention will travel to a place where collaboration meets innovation!

We will come together to network and compete at the Long Beach Convention and Entertainment Center.

### AN EXPERIENCE YOU WON'T GET ANYWHERE ELSE

The Student Television Network Convention is a unique experience for both teachers and students. In just four days, you can learn from professionals, participate in contests, meet peers, understand deadlines, acquire skills and have fun.

What can you expect during your convention experience? Here are some highlights:

- 40+ Industry Pros Sessions
- Student & Teacher Focused Sessions
- Deadline Driven Contests
- Equipment and Educational Exhibitors
- College Fair with Journalism and Film Schools
- Networking Events for Teachers & Students

STN was started in 1999 by a group of teachers who wanted to support and encourage scholastic broadcasting and to provide a forum for teachers to share ideas, ask questions, and learn from professionals in the industry. Over the past 20 years, STN has expanded to include film, media and other forms of communication taught in high schools and middle schools. STN serves teachers and students with [curriculum](#), communication and [competitions](#) year-round.

In 2004, STN held its first [convention](#) in Los Angeles where students and teachers convened for several days of education, competition and networking with each other and professionals. That convention has now grown to 3,000 attendees and has taken place in LA, Anaheim, Dallas, Orlando, San Diego, Atlanta, Nashville and Seattle.

# STUDENT TRIP CONTRACT

I \_\_\_\_\_, and my guardian  
Student Name

\_\_\_\_\_, have read, understand and agree  
Guardian Name

to the BlueTube California Trip Criteria and how it impacts my trip attendance. I understand that after January 22nd, if I am disqualified for any of the reasons stated above, I will not be refunded.

\_\_\_\_\_  
Student Name: \_\_\_\_\_

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

Guardian Name: \_\_\_\_\_

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

For any questions & concerns please contact Lauren Pszczolkowski at  
Pszczolkowskil@mpsct.org .

# REVIEW/DELETE POLICY 3313

## Business

### Relations with Vendors

The Board of Education wishes to maintain good working relations with vendors who supply materials, supplies and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

No purchase will be made from a member of the Board of Education, nor from a member of the immediate household of a Board member, nor from any enterprise in which the Board members holds a substantial interest except for public utilities.

### Conflicts of Interest and Endorsements

The district will not purchase supplies or materials from a staff member of the school district, nor from a member of the household of the staff member unless the purchase follows the formal purchasing procedures.

Employees of the district will not endorse products or services in such a manner that will identify him/her as an employee of the district.

### Affirmative Action

The school district shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, gender identity or expression, or physical handicap or disability, either in employment practices or in the provision of benefits or services to students or employees.

**Legal Reference:** Connecticut General Statutes  
4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities  
4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation  
46a-58 through 46a-81 re discriminatory practices  
Title VII, Civil Rights Act, 42 U.S.C. 2000e et seq. as amended by Title IX, Equal Employment Opportunity Act  
Title IX of the Education Amendments of 1972; 42 U.S.C. 1134n et seq. (Higher Education Act)  
Chapter 40 of the Code of Ethics, City of Middletown

Policy adopted: June 22, 2004  
Policy Revised: April 21, 2015

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**DELETE POLICY 3313.1**

**Business**

**Local Purchasing**

As a public agency the Board of Education is aware of its responsibility to spend its funds so as to obtain the greatest possible educational value for every dollar spent. The Board is encouraged to make its purchases locally whenever costs are within ten percent with those of outside vendors.

Legal Reference: City Ordinance Section 78

Policy adopted: May 16, 1995  
Policy revised: June 8, 2004  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Business**

**Purchasing Procedures**

**PURCHASING**

*[For Local Boards of Education]*

**[Note: Bidding and purchasing requirements may be affected by the provisions of Town charter. Moreover, in the event that a town charter contains a provision that addresses bidding requirements, such a provision may or may not actually bind the board of education. Prior to adopting Shipman & Goodwin LLP’s model policy, local boards of education should determine whether a provision of a town charter applies, and in the event that a charter provision which does apply, a local board of education should consult legal counsel to determine its applicability.]**

I. REQUIREMENTS APPLICABLE TO PURCHASES OF ALL GOODS AND SERVICES

A. Definition

For the purposes of this policy:

1. “Goods or service” includes, but is not limited to, portable classrooms, motor vehicles or materials and equipment, such as telephone systems, computers and copy machines.
2. “General services” include all services which result in a measurable end product that can be defined by bid specifications and all services used in the process of building or altering property (excluding architectural, engineering and other design services).
3. “Property” means real property or personal property.

B. Consultation with Municipality Regarding Contracts for Goods or Services, Including Insurance and Payroll Software

After going out to bid for a good or service and receiving submissions, if the local municipality uses such good or service, the Middletown Board of Education (the “Board”) shall consult with the legislative body of the municipality, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, and, if the equivalent level of such good or

service is provided by the municipality through a municipal contract for a lower cost than the lowest qualified bid submission received by the Board, the Board will consider a cooperative agreement with the local municipality for the provision of such good or service.

Further, the Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, prior to purchasing payroll processing or accounts payable software systems to determine whether such systems may be purchased or shared on a regional basis.

When possible, the Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, regarding the joint purchasing of property insurance, casualty insurance, and workers' compensation insurance.

## II. COMPETITIVE BIDDING PROCESS

### A. Purchases Requiring Competitive Bidding Process (\$25,00 or More)

Purchases of goods or general services, including high technology equipment, expected to involve an expenditure of \$25,000 or more must be made by sealed competitive bid. ~~As set forth below, such purchases in the amount of at least [\$10,00 or amount set by the Board of Education], but less than [\$24,999 or amount set by the Board of Education], may be awarded by the Superintendent or his/her designee. Such purchases in the amount of [\$20,000 or amount set by the Board of Education] or more must be awarded by the Board.~~

### B. Bid Specifications

When competitive bidding is required, all requirements, terms and conditions describing and detailing the goods or general services to be purchased must be included in the bid specifications. The bid specifications should define the requirements for quality of materials, equipment and/or services to be procured, and as such, they should clearly and accurately reflect the required characteristics of the goods and services. The bid specifications should also include any vendor or contractor qualification requirements, a school district contact person responsible for all communications with prospective bidders, a requirement that all communications between the school district contact person and prospective bidders be in writing and, if the purchase will require entering into a contract, a draft contract whenever possible practical.

The Superintendent of Schools or his/her designee(s) shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent of Schools or his/her designee at least once in a daily newspaper in the local municipality and on the Board's website. At least five (5) calendar days must intervene between the date of the last newspaper or website publication and the final date for submitting bids. The notice shall contain a general description of the goods or services being bid, the school district contact person and the day, hour and place of the bid opening and may contain other information relating to the bid including, but not limited to, where and when bid packages may be obtained.

D. Bid Openings and Awards

All bids, and bid security if applicable, must be submitted to the Superintendent of Schools or his/her designee in sealed envelopes or electronic submissions and show on the face of the envelopes or electronic submissions the bid number, the title of the bid and the bidder's name. All envelopes and electronic submissions will be date stamped as received.

All bids shall be opened in public and read aloud at the time stated in the legal notice. No bids shall be accepted, or opened, that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

Within a reasonable time following the bid opening, the Superintendent of Schools or his/her designee will tabulate and analyze the bids. For contracts of at least [\$7,500 or amount set by the Board of Education], but less than [\$20,000 or amount set by the Board of Education], the Superintendent shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidder, as defined below. A building committee takes over responsibility from the Superintendent for projects over an amount set by the City of Middletown's Code of Ordinances. For contracts of [\$20,000 or amount set by the Board of Education] or more, the Board shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidder, as defined below.

A record of all bids submitted, giving the names of the bidders, the amounts of the bids and indicating the successful bidder, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

E. Bid Security

When, in the judgment of the Superintendent of Schools or his/her designee, bid security is advisable, all bids must be accompanied by security in one of the following forms - certified check, cashier's check, personal money order, letter of credit or bid bond. The requirement for, and the amount of, the security must be set forth in the bid advertisement. All security presented must show the City of Middletown as the payee.

F. Requirements Governing Bid Awards

The award shall be made to the bidder whose bid meets the requirements, terms and conditions contained in the bid specifications and is the lowest among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility (the "Lowest Responsible Qualified Bidder"), and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

In determining the Lowest Responsible Qualified Bidder the following criteria will be considered, as applicable:

- (1) The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Board or for other agencies, including the quality and degree of satisfaction with the work performed.
- (2) The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.
- (3) Compliance by the bidder with all applicable federal, state and local laws, including any licensing requirements.
- (4) Delivery or completion time.
- (5) Cost.
- (6) Involvement in litigation.
- (7) The ability of a city-based bidder to match the lowest bidder in accordance with the city-based language included in the City of Middletown Code of Ordinances.
- (8) The ability of a city-based vendor to match the lowest possible bidder of a state or cooperative competitive bidding process for the same goods or services.

Should a situation arise where it is impossible to distinguish between two bidders to identify the Lowest Responsible Qualified Bidder, and one of the bidders has its principal place of business located within the City of Middletown, the award will be made to the local bidder.

G. Rejection Of Bids

The Superintendent of Schools or his/her designee has the right to reject any and all bids in whole or in part. Any or all bids may be rejected if there is any reason to believe that collusion exists among the bidders. Individual bids may be rejected for irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids and unexplained erasures.

The Superintendent of Schools or his/her designee retains the right to waive any formality or procedural irregularities in the bids received. Nothing in this Section should be construed to limit in any way the right of the Superintendent of Schools or his/her designee to reject any and all bids.

H. Advisement Of Bid Award

Upon acceptance of the Lowest Responsible Qualified Bidder, a letter will be sent to the successful bidder(s) announcing the award of the bid. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

III. COMPETITIVE QUOTATION PROCESS

A. Purchases Requiring Competitive Quotation Process

Price quotations should be requested for all purchases of goods or general services, including high technology equipment, expected to involve an expenditure of at least \$5,001 but less than \$25,000. Purchases of goods or services which involve an expenditure of less than \$5,001 may be made directly, without regard to any competitive bid or quotation process. Waivers from the quotation process are available for the same reasons that Waivers are available from the bidding process. (See Section V.)

B. Process For Obtaining Quotations

Generally quotations, either oral or written, should be solicited by the Superintendent of Schools or his/her designee(s) from at least three (3) vendors or obtained from current catalogues or price sheets. The refusal of an otherwise valid supplier to quote shall qualify as a quotation. The quotation process does not require a public opening, and the Superintendent of Schools or his/her designee may send requests to a limited number of selected vendors. However, vendors must furnish all of the necessary information to the Superintendent of Schools or his/her designee by the specified date.

The purchase shall be awarded to the provider whose proposal is deemed to best provide the good and/or services desired, taking into account cost and the project requirements, and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

IV. COMPETITIVE PROPOSAL PROCESS FOR SPECIAL OR PROFESSIONAL SERVICES

A. Purchases Requiring Competitive Proposal Process

Purchases of Special or Professional Services may be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Special or Professional Services involve the furnishing of judgment, expertise, advice or effort by persons other than Board employees, and not involving the delivery of a specific end product that is defined by bid specifications. Examples of Professional Services include, but are not limited to, in-service instructional leaders, pupil services, special education evaluations, interpreters, tutors, computer programmers, architects, auditors, attorneys, instructional consultants, and temporary agencies. Examples of Special Services include, but are not limited to, repair services for Board property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical. Waivers from the proposal process are available for the same reasons that Waivers are available from the bidding process. (See Section V.) Funds must be available in the proper account in order to begin development of a Request for Proposals ("RFP").

Purchases of Special or Professional Services that are expected to be less than \$5,001 shall be made directly by the Superintendent of Schools or his/her designee, without regard to a competitive proposal process.

B. Informal Competitive Proposal Process (\$5,001 to \$25,000)

Purchases of Special or Professional Services for at least \$5,001 but less than \$25,000 shall be based upon a reasonable and documented attempt to solicit proposals. Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals received will be made by the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall award the contract to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

C. Formal Competitive Proposal Process (\$25,000 or More)

Request for Proposals for Purchases of Special or Professional Services for \$25,000 or more shall be prepared by the Superintendent or his/her designee. All requirements, terms and conditions, including provider qualifications, should be included in the RFP, as well as a draft contract whenever possible-practical. The award of any such contracts for \$25,000 or more shall be approved by the Board the Superintendent.

The Superintendent of Schools or his/her designee will arrange to have a legal notice requesting proposals published in a local newspaper and on the Board's website at least ten (10) five (5) business days prior to the deadline for submitting proposals. Whenever the Superintendent or his/her designee determines that the service requested is so specialized that few appropriate providers can reasonably be expected to respond to the notice, the Superintendent may substitute another means of notifying potential providers of the RFP in lieu of such newspaper and website notice. Any advertisement or other notice of the RFP shall include the general description of the services sought and the location where RFPs may be obtained.

Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals will be made by the Superintendent of Schools or his/her designee. The contract shall be awarded to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the requirements, terms and conditions contained in the RFP.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

## V. WAIVERS

In certain situations the bidding, quotation and proposal processes described above may be waived even though the estimated cost exceeds the dollar threshold established by the Board. The formal processes may be waived for any of the following reasons:

- (1) Only one (1) reasonable or qualified source can be identified. This will be determined in accordance with the City of Middletown's Purchasing Manual's definitions of Sole Source and Proprietary Purchases. This shall include situations such as the purchase of copyrighted materials and textbooks.

- (2) Time is a critical factor, and taking the time necessary to comply with the formal process would not be in the best interests of the school district.
- (3) In the opinion of the Superintendent or his/her designee, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.
- (4) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will supply a lower cost than that which would result from a bid process.
- (5) A formal process would result in substantially higher costs to the school district, or inefficient use of personnel, or cause substantial disruption of school district operations.
- (6) Prices of goods or services are subject to specific federal or state competitive bidding requirements, including, but not limited to, "school building projects" as defined in the Connecticut General Statutes.
- (7) Regional or cooperative purchases.
- (8) Cooperative agreement with the local municipality.
- (9) Cooperative purchasing outside of the local municipality
  - A. Employees will be allowed to utilize State, Federal, and/or other governmental cooperative purchasing agreements, if to do so is in the Board's best interest.
  - B. The Board shall have the authority to join with other units of government in cooperative purchasing plans and participation with other utilities on an equitable basis in large bulk purchasing, when the best interests of the Board would be served thereby.
  - C. The Board, as a matter of policy, makes purchases cooperatively with other governmental agencies whenever it is to the mutual benefit of both cooperating agencies.
  - D. Local vendors who meet state, or city bid pricing may be awarded a contract with approval of the Chief of Administration and Finance.

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent of Schools or his/her designee. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent of Schools or his/her designee will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Superintendent of Schools or his/her designee, in his/her sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Superintendent of Schools or his/her designee must, in writing, state the reason(s) for granting such Waiver.

In permitting waivers, the Board of Education is required to comply with the purchasing requirements identified by local, state and federal funding sources.

#### VI. PROCUREMENT OF PROPERTY AND SERVICES UNDER A FEDERAL AWARD

When procuring property and/or services under a Federal award, the Board will comply with relevant regulations in the Code of Federal Regulations, as described in 2 C.F.R. § 200.318 through 2 C.F.R. § ~~200.326~~,[200.327](#), as amended from time to time, to the extent it is required to do so. [See Appendix A.](#)

#### VII. AUDITS

The Board may periodically engage an independent audit firm to review the purchasing procedures outlined in this policy.

#### Legal References:

##### State Law:

- Conn. Gen. Stat. §10-241c Local board of education to consult with municipality re joint purchasing of property insurance, casualty insurance and workers' compensation insurance.
- Conn. Gen. Stat. §10-241d Local board of education consultation with municipality re goods and services. Cooperative arrangements.
- Conn. Gen. Stat. §10-241e Local board of education consultation with municipality prior to purchase of payroll processing or accounts payable software program.

##### Federal Law:

- 2 C.F.R. § 200.317 through 2 § C.F.R. ~~200.326~~,[200.327](#).
- 2 C.F.R. § 200.81 (definition of property).

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

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

[3/15/2021](#)

~~9/15/2020~~

APPENDIX A

Procurement Standards for the Acquisition of Property or Services  
Under a Federal Award  
2 C.F.R. §§ 200.317-300.327

*This Appendix addresses procurements of property and services under a Federal award. Whenever these Federal Uniform Guidance Procurement Standards, as may be amended from time to time, are applicable to procurements made by the Board of Education (the “Board”), the Board shall apply the more restrictive procurement rules, to the extent it is required to do so.*

<u>2 C.F.R. §</u>	<u>FULL TEXT OF C.F.R. SECTION</u>	<u>BRIEF SUMMARY</u>
<u>200.317</u>	<u>Procurements by States</u>	
	<u>When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.</u>	<u>A State must follow the same policies and procedures when making procurements under a Federal award and when making procurements using non-Federal funds. The Board must follow 2 C.F.R. §§ 200.318 through 200.327 when making procurements under a Federal award.</u>
<u>200.318</u>	<u>General Procurement Standards</u>	

<a href="#">200.318(a)</a>	<a href="#">The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.</a>	<a href="#">The Board must have and use documented procurement procedures consistent with State, local, and Federal requirements for procurements made under a Federal award.</a>
<a href="#">200.318(b)</a>	<a href="#">Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.</a>	<a href="#">The Board must maintain oversight of its contractors.</a>
<a href="#">200.318(c)(1)</a>	<a href="#">The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.</a>	<a href="#">The Board must have written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. Board officers and employees (and their immediate family members, partners, and organizations which employ or are about to employ them) must not have a financial or other interest in a contract and must not solicit or accept gifts from contractors or subcontractors. The standards of conduct must provide for disciplinary actions for violations. See Code of Conduct Governing Procurements Under a Federal Award.</a>
<a href="#">200.318(c)(2)</a>	<a href="#">If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity</a>	<a href="#">The Board's conflict of interest policy must cover relationships with</a>

	<u>must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.</u>	<u>certain parent, affiliate, or subsidiary organizations, if any.</u>
<u>200.318(d)</u>	<u>The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.</u>	<u>The Board must avoid acquisition of unnecessary or duplicative items.</u>
<u>200.318(e)</u>	<u>To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.</u>	<u>The Board is encouraged to use intergovernmental agreements or inter-entity agreements.</u>
<u>200.318(f)</u>	<u>The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.</u>	<u>The Board is encouraged to use Federal excess and surplus in lieu of purchasing new, when feasible.</u>
<u>200.318(g)</u>	<u>The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.</u>	<u>The Board is encouraged to use value engineering clauses in construction contracts of sufficient size.</u>
<u>200.318(h)</u>	<u>The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms</u>	<u>The Board must award contracts to responsible contractors, after</u>

	<u>and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.</u>	<u>considering contractor integrity, compliance with public policy, past performance, and financial and technical resources.</u>
<u>200.318(i)</u>	<u>The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.</u>	<u>The Board must maintain procurement records.</u>
<u>200.318(j)(1)</u>	<u>The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.</u>	<u>The Board may only use time-and-materials type contracts in limited circumstances.</u>
<u>200.318(j)(2)</u>	<u>Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.</u>	<u>The Board must set a ceiling price and assert a high degree of oversight on time-and-materials type contracts.</u>
<u>200.318(k)</u>	<u>The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the</u>	<u>The Board must be responsible for settling contract disputes and administrative issues arising out of procurements.</u>

	<u>non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.</u>	
<b><u>200.319</u></b>	<b><u>Competition</u></b>	
<u>200.319(a)</u>	<u>All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.</u>	<u>The Board must conduct procurement transactions in a manner providing full and open competition.</u>
<u>200.319(b)</u>	<u>In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to: (1) Placing unreasonable requirements on firms in order for them to qualify to do business; (2) Requiring unnecessary experience and excessive bonding; (3) Noncompetitive pricing practices between firms or between affiliated companies; (4) Noncompetitive contracts to consultants that are on retainer contracts; (5) Organizational conflicts of interest; (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and (7) Any arbitrary action in the procurement process.</u>	<u>Contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. The Board must avoid practices that are restrictive of competition.</u>
<u>200.319(c)</u>	<u>The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its</u>	<u>The Board is generally prohibited from using geographical preference in the evaluation of bids or proposals.</u>

	<u>application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.</u>	
<u>200.319(d)</u>	<u>The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations: (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.</u>	<u>The Board must have written procedures for procurement transactions that ensure that solicitations (1) incorporate a clear and accurate description of technical requirements and (2) identify all requirements the offeror must fulfill and all other factors to be used in evaluating bids or proposals.</u>
<u>200.319(e)</u>	<u>The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.</u>	<u>The Board must ensure all prequalified lists are current and include enough qualified sources to ensure open and free competition.</u>
<u>200.319(f)</u>	<u>Noncompetitive procurements can only be awarded in accordance with § 200.320(c).</u>	<u>Noncompetitive procurements must be awarded in accordance with § 200.320(c).</u>
<u>200.320</u>	<u>Methods of Procurement to be Followed</u>	

200.320	The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.	The Board must have and use documented procurement procedures for procurements made under a Federal award or sub-award.
200.320(a)	Informal procurement methods. When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold (SAT), as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:	For purchases under the simplified acquisition threshold, or a lower threshold established by the Board, the Board may use informal procurement methods (micro-purchases and small purchases).
200.320(a)(1)	(1) Micro-purchases— (i) Distribution. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of micro-purchase in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers. (ii) Micro-purchase awards. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it[s] files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity. (iii) Micro-purchase thresholds. The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local,	Micro-purchases should be distributed equitably among qualified suppliers and may be awarded without soliciting competitive price or rate quotations if the Board considers the price to be reasonable based on research, experience, purchase history, or other information and documents its files accordingly.

	<p><u>or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.</u></p> <p><u>(iv) Non-Federal entity increase to the micro-purchase threshold up to \$50,000. Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:</u></p> <p><u>(A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;</u></p> <p><u>(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,</u></p> <p><u>(C) For public institutions, a higher threshold consistent with State law.</u></p> <p><u>(v) Non-Federal entity increase to the micro-purchase threshold over \$50,000. Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.</u></p>	
<p><u>200.320(a)(2)</u> <u>)</u></p>	<p><u>(2) Small purchases—</u></p> <p><u>(i) Small purchase procedures. The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.</u></p>	<p><u>For small purchases, the aggregate dollar amount of which is higher than the micro-purchase threshold but lower than the simplified acquisition threshold, price or rate quotations must be obtained from</u></p>

	<u>(ii) Simplified acquisition thresholds. The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.</u>	<u>an adequate number of qualified sources.</u>
<u>200.320(b)</u>	<u>Formal procurement methods. When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:</u>	<u>For purchases that exceed the simplified acquisition threshold, or a lower threshold established by the Board, formal procurement methods must be used and public advertising may be required.</u>
<u>200.320(b)(1)</u>	<u>(1) Sealed bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [stet]. (i) In order for sealed bidding to be feasible, the following conditions should be present: (A) A complete, adequate, and realistic specification or purchase description is available; (B) Two or more responsible bidders are willing and able to compete effectively for the business; and (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. (ii) If sealed bids are used, the following</u>	<u>In sealed bid procurements, bids are publicly solicited and the Board awards the contract to the lowest responsible bidder. The Board should use sealed bidding for procuring construction whenever complete, adequate, and realistic specifications are available, two or more responsible bidders are able to compete, and selection of a successful bidder can be made principally on the basis of price. If</u>

	<p><u>requirements apply: (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised; (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond; (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly; (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and (E) Any or all bids may be rejected if there is a sound documented reason.</u></p>	<p><u>sealed bids are used, they must meet certain requirements. Any or all bids may be rejected if there is a sound documented reason.</u></p>
<p><u>200.320(b)(2)</u> <u>)</u></p>	<p><u>(2) Proposals. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements: (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical; (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections; (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the</u></p>	<p><u>Proposals for fixed price or cost-reimbursement type contracts are generally used when conditions are not appropriate for the use of sealed bids. Proposals are awarded after requests for proposals are publicized with evaluation factors identified; an adequate number of offerors are solicited, considered and evaluated; and contracts are awarded to the responsible offeror with the most advantageous proposal.</u></p>

	<u>most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.</u>	
<u>200.320(c)</u>	<u>Noncompetitive procurement. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply: (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section); (2) The item is available only from a single source; (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation; (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or (5) After solicitation of a number of sources, competition is determined inadequate.</u>	<u>The Board may procure goods via noncompetitive procurement only when the aggregate dollar amount does not exceed the micro-purchase threshold; the item is available only from a single source; in times of public emergency; when the Federal awarding agency expressly authorizes noncompetitive procurement; or competition is determined inadequate after solicitation of a number of sources.</u>
<b><u>200.321</u></b>	<b><u>Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms</u></b>	
<u>200.321(a)</u>	<u>The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.</u>	<u>The Board must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.</u>
<u>200.321(b)</u>	<u>Affirmative steps must include: (1) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists; (2)</u>	<u>Affirmative steps include, among other things, placing qualified small</u>

	<u>Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises; (5) Using the services and assistance, as appropriate of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</u>	<u>and minority businesses and women’s business enterprises on solicitation lists; assuring such businesses are solicited whenever they are potential sources; dividing total requirements, when economically feasible, into smaller tasks or quantities; and establishing delivery schedules, where the requirement permits, which encourage participation by such businesses.</u>
<b><u>200.322</u></b>	<b><u>Domestic Preferences for Procurements</u></b>	
<u>200.322(a)</u>	<u>As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.</u>	<u>The Board will, to the greatest extent practicable, provide a preference for goods, products or materials produced in the United States.</u>
<u>200.322(b)</u>	<u>For purposes of this section: (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.</u>	

<b><u>200.323</u></b>	<b><u>Procurement of Recovered Materials</u></b>	
<u>200.323</u>	<u>A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and recourse recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</u>	<u>The Board must follow standards in procuring certain items over \$10,000 to ensure, among other things, the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</u>
<b><u>200.324</u></b>	<b><u>Contract Cost and Price</u></b>	
<u>200.324(a)</u>	<u>The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.</u>	<u>The Board must perform a cost or price analysis for every procurement in excess of the simplified acquisition threshold.</u>
<u>200.324(b)</u>	<u>The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past</u>	<u>The Board must negotiate profit for sole-source procurements and for procurements where cost analysis is performed.</u>

	<u>performance, and industry profit rates in the surrounding geographical area for similar work.</u>	
<u>200.324(c)</u>	<u>Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E [Cost Principles] of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.</u>	<u>Costs incurred or estimated costs are allowable only to the extent they comply with Federal Cost Principles.</u>
<u>200.324(d)</u>	<u>The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</u>	<u>The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</u>
<b><u>200.325</u></b>	<b><u>Federal Awarding Agency or Pass-Through Entity Review</u></b>	
<u>200.325(a)</u>	<u>The non-Federal entity must make available, upon request of the Federal awarding agency or passthrough entity, technical specifications on proposed procurements when the Federal awarding agency or passthrough entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or passthrough entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.</u>	<u>The Board must make technical specs for procurements available upon request by the Federal awarding agency or passthrough entity.</u>
<u>200.325(b)</u>	<u>The non-Federal entity must make available upon request, for the Federal awarding agency or passthrough entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when: (1) The non-Federal entity's</u>	<u>Upon request, the Board must make procurement documents available for pre-procurement review by the Federal awarding agency or</u>

	<p><u>procurement procedures or operation fails to comply with the procurement standards in this part; (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product; (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.</u></p>	<p><u>passthrough entity in a number of circumstances.</u></p>
<p><u>200.325(c)</u></p>	<p><u>The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part. (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis; (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency’s right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.</u></p>	<p><u>The Board is exempt from pre-procurement review if the Federal awarding agency or passthrough entity determines that its procurement systems comply with the standards of this part.</u></p>
<p><b><u>200.326</u></b></p>	<p><b><u>Bonding Requirements</u></b></p>	

<a href="#"><u>200.326</u></a>	<a href="#"><u>For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or passthrough entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:</u></a>	<a href="#"><u>For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the Federal awarding agency or passthrough entity may accept the Board's bonding requirements if it determines that its interest is adequately protected.</u></a>
<a href="#"><u>200.326(a)</u></a>	<a href="#"><u>A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptable of the bid, execute such contractual documents as may be required within the time specified.</u></a>	<a href="#"><u>The Board must require a bid guarantee of 5% of the bid price if the awarding agency or passthrough entity does not accept the Board's bonding requirements.</u></a>
<a href="#"><u>200.326(b)</u></a>	<a href="#"><u>A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.</u></a>	<a href="#"><u>The Board must require a performance bond for 100% of the contract price if the awarding agency or passthrough entity does not accept the Board's bonding requirements.</u></a>
<a href="#"><u>200.326(c)</u></a>	<a href="#"><u>A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided in the contract.</u></a>	<a href="#"><u>The Board must require a payment bond for 100% of the contract price if the awarding agency or passthrough entity does not accept the Board's bonding requirements.</u></a>
<a href="#"><u>200.327</u></a>	<a href="#"><u><b>Contract Provisions</b></u></a>	
<a href="#"><u>200.327</u></a>	<a href="#"><u>The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.</u></a>	<a href="#"><u>The Board must include the Federal contract provisions in its contracts.</u></a>



## **DELETE POLICY 3520.13(a)**

### **Business and Non-Instructional Operations**

#### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-Based Issues**

The Board of Education (Board) may, pursuant to this policy, enter into a contract with a third party for either or both of the following purposes:

1. To provide services, including Cloud-based services, for the digital storage, management, and retrieval of student records.
2. To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records in accordance with the contractual provisions listed below.

The Board, on or after October 1, 2016, when entering into a contract with a contractor for purposes listed above, shall ensure the contract includes, but is not limited to the following:

1. A statement that student records, student information and student generated content continues to be the property of and under the control of the Board. (They are not the property of, or under the control of a software or electronic service contractor.)
2. A description of the means by which the Board, students, their parents or legal guardians, may retain possession and control of student-generated content, and if applicable, means by which a student, parent or legal guardian of a student may transfer student-generated content to an electronic mail account.
3. A statement that the contractor will not use student information, student records, or student-generated content for any purposes except those the contract authorizes.
4. A description of the procedures by which a student, parent or legal guardian, of a student may review personally identifiable information (PII) contained in the student's record, student information or student-generated content and correct erroneous information, if any in such student material.
5. A statement that the contractor shall take actions designed to ensure the security and confidentiality of student records, student information, and student-generated content.

6. A description of the procedures that a contractor will follow for notifying a student, the parent or legal guardian of a student, parent, legal guardian of a student, and the Board, as soon as practical, but not later than forty-eight (48) hours after the contractor becomes aware of or suspects that any student record, student information, or student-generated content under the contractor's control has been subject to unauthorized access or suspected unauthorized access.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-Based Issues** (continued)

7. A statement that a student's records, student information, or student-generated content shall not be retained or available to the contractor upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the contractor for the purpose of storing student-generated content.
8. A statement that the contractor and the Board shall ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g.
9. A statement that Connecticut laws shall govern the rights and duties of the contractor and the Board.
10. A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the contract which can be given effect without the invalid provision or application.
11. A prohibition against the contractor using personally identifiable information contained in student records to engage in advertising or for any other purposes other than those authorized pursuant to the contract.

Any provision of a contract entered into between a contractor and the Board on or after October 1, 2016, that conflicts with the provisions listed above shall be void.

Any contract entered into on and after October 1, 2016, that does not include the provisions listed above shall be void, provided the Board has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract to include the required provisions.

Not later than five business days after executing a contract pursuant to this policy, the Board shall provide electronic notice to any student and the parent or legal guardian of a student affected by the contract. The notice shall (1) state that the contract has been executed and the date that such contract was executed, (2) provide a brief description of the contract and the purpose of the contract, and (3) state what student information, student records or

student-generated content may be collected as a result of the contract. The Board shall post such notice and the contract on the Board's Internet website.

The Board expects that an operator shall implement and maintain reasonable security procedures and practices, in accordance with current industry standards to protect student information from unauthorized access, destruction use, modification and disclosure; and to delete any student information if a student or his/her parent/legal guardian or the Board requests the deletion of such student information.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-Based Issues (continued)**

##### **Notice of Breach of Security/Data Breacher**

Upon notice of a breach of security by a contractor, the Board shall, within forty-eight (48) hours notify the students and the parents/legal guardians of the students whose student information, student records, or student-generated content was involved in such breach. The Board shall also, as required, post notice of the breach on its website.

Upon the discovery of a breach of security that results in the unauthorized release of student information, excluding directory information, the contract shall contain the provision that the contractor must notify the Board of such breach without unreasonable delay, and in no case later than thirty (30) days from the discovery of the breach.

Upon the discovery of a breach of security that results in the unauthorized release of directory information, student records, or student-generated content, the contract shall contain the provision that the contractor must notify the Board without unreasonable delay and in no case later than sixty (60) days from the discovery of the breach.

##### **Definitions**

1. **“Contractor”** means an operator or consultant that is in possession of or has access to student information, student records or student-generated content as a result of a contract with a local or regional Board of Education.
2. **“Operator”** means the operator of an Internet website, online service, online application, or mobile application with actual knowledge that such Internet website, service, or mobile application is used primarily for school purposes and was designed and marketed for school purposes and who collects, maintains or uses student information.
3. **“Student”** means a Connecticut resident enrolled in a preschool program participating in the state-wide public school information system, pursuant to section 10-10a of the general statutes, or enrolled in grades K to 12, inclusive, in a public school, or receiving special education and related services under an individualized education program, or otherwise the responsibility of the Board.
4. **“Deidentified information”** means any information that has been altered to prevent the identification of an individual student.

5. **“Eligible student”** means a student who has reached 18 years of age.
6. **“Student-generated content”** means materials created by a student, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, or photographs. “Student-generated content” does not include student responses to a standardized assessment.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-Based Issues**

##### **Definitions (continued)**

7. **“Student records”** means any information directly related to a student that is maintained by the school district, the State Board of Education or the Department of Education or any information acquired from a student through the use of educational software assigned to the student by a teacher or other district employee.

**“Student records”** does not mean any of the following:

- a. Deidentified information, allowed under the contract to be used by the contractor to improve educational products for adaptive learning purposes and for customizing student learning.
  - b. Deidentified information, used to demonstrate the effectiveness of the contractor’s products in the marketing of such products.
  - c. Deidentified information, used for the development and improvement of the contractor’s products and services.
8. **“Online service”** includes Cloud computing services, which must comply with this policy if they otherwise meet the definition of an operator.
9. **“Student information”** means personally identifiable information regarding a student that in any media or format that meets any of the following:
- a. Is created or provided by a student, or the student’s parent or legal guardian, to the operator in the course of the students’, parents’, or legal guardians’ use of the operators’ website, online service, or mobile application for school purposes.
  - b. Is created or provided by an employee or agent of the school, school district, local education agency, to an operator for school purposes.
  - c. Is gathered by an operator through the operation of the operator’s Internet website, online service, or mobile application and identifies a student including but not limited to information in the student’s educational record or email account, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious

information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-Based Issues**

##### **Definitions (continued)**

10. **“School purposes”** means purposes that customarily take place at the direction of a teacher, or school district or aid in the administration of school activities, including, but not limited to, instruction in the classroom, administrative activities, and collaboration among students, school personnel, or parents/legal guardians. The Board, through this policy, places restrictions on an “operator” as defined in this policy. An operator shall not knowingly engage in any of the following activities with respect to their site, service, or application.
11. **“Targeted advertising”** means presenting an advertisement to a student where the selection of the advertisement is based on student information, or inferred from the usage of the operator’s Internet website, online service or mobile application by such student.

The Board, through this policy, places restrictions on an “operator” as defined in this policy. An operator shall not knowingly engage in any of the following activities with respect to their internet website, online service or mobile application:

1. Engage in targeted advertising on the operator’s site, service, or application, or on any other Internet website, online service or mobile application;
2. Use student information to create a profile of a student for purposes other than the furtherance of school purposes;
3. Sell student information, unless the sale is part of the purchase, merger, or acquisition of an operator by a successor operator and the operator and the successor operator continue to be subject to the provisions of this policy regarding student information; or
4. Disclose student information, unless the disclosure is made (a) in furtherance of school purposes of the Internet website, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet website, online service or mobile application and complies with this policy; (b) to ensure compliance with federal or state law; (c) in response to a judicial order; (d) to protect the safety of users or others, or the security of the Internet website, online service or mobile application; or (e) to an entity hired by the operator to provide services for the operator’s Internet website, online service or mobile

application, provided the operator contractually (i) prohibits the entity from using student information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information provided by the operator to subsequent third parties, and (iii) requires the entity to comply with this policy.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-based Issues (continued)**

The Board recognizes that an operator may:

1. Use student information (1) to maintain, support, evaluate or diagnose the operator's Internet website, online service or mobile application, or (2) for adaptive learning purposes or customized student learning.
2. Use de-identified student information (1) to develop or improve the operator's Internet website, online service or mobile application, or other Internet websites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the operator's Internet website, online service or mobile application.
3. Share aggregated de-identified student information for the improvement and development of Internet websites, online services or mobile applications designed for school purposes.

Nothing in this policy shall be construed to:

1. limit the ability of a law enforcement agency to obtain student information from an operator as authorized by law or pursuant to a court order;
2. limit the ability of a student or the parent or legal guardian of a student to download, transfer or otherwise save or maintain student information;
3. impose a duty upon a provider of an interactive computer service, as defined in 47 USC 230, as amended from time to time, to ensure compliance with this section by third-party information content providers, as defined in 47 USC 230, as amended from time to time;
4. impose a duty upon a seller or provider of online services or mobile applications to ensure compliance with this policy with regard to such online services or mobile applications;
5. limit an Internet service provider from providing a student, parent or legal guardian of a student or local or regional Board of Education with the ability to connect to the Internet;
6. prohibit an operator from advertising other Internet websites, online services or mobile applications that are used for school purposes to parents or legal guardians of students, provided such advertising does not result from the operator's use of student information;  
or
7. apply to Internet websites, online services or mobile applications that are designed and marketed for use by individuals generally, even if the account credentials created for an

operator's Internet website, online service or mobile application may be used to access Internet websites, online services or mobile applications that are designed and marketed for school purposes.

The Board, upon determination that a request for directory information is related to school purposes, may disclose directory information to any person requesting such directory information. If the Board determines that a request for directory information is not related to school purposes, the Board shall not disclose such directory information.

## **Business and Non-Instructional Operations**

### **Data-Based Information and Management Systems**

#### **Student Data Protection and Privacy/Cloud-based Issues (continued)**

(cf. 3520.1 – Information Security Breach and Notification)

(cf. 3520.11 – Electronic Information Security)

(cf. 3520.12 – Data-Based Information Management System Confidentiality Policy)

(cf. 5125 – Student Records)

(cf. 5145.15 – Directory Information)

(cf. 6162.51 – Surveys of Students/Student Privacy)

Legal Reference: Connecticut General Statutes  
1-19(b)(11) Access to public records. Exempt records.  
7-109 Destruction of documents.  
10-15b Access of parent or guardians to student’s records.  
10-209 Records not to be public.  
11-8a Retention, destruction and transfer of documents  
11-8b Transfer or disposal of public records. State Library Board to adopt regulations.  
46b-56(e) Access to Records of Minors.  
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).  
P.A. 16-189 An Act concerning Student Privacy  
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g).  
Dept. of Educ, 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.  
Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232g (2014)  
Children’s Online Privacy Protection Act (COPPA) 15 U.S.C. §§6501 *et seq.* (2014)

Policy adopted: October 18, 2016

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel**

**Hiring of Certified Staff**

It is the policy of the Board of Education to appoint the most qualified applicants to positions of employment within the Middletown Public Schools. The Board of Education shall be responsible for the appointment of all building level and district-wide administrator positions. The Board of Education shall make such appointments in accordance with the procedures set forth in Section 10-151 of the Connecticut General Statutes, and in accordance with any applicable collective bargaining agreement.

The Superintendent of Schools shall be responsible for appointments to all other positions requiring a certificate issued by the State Board of Education.

Legal Reference:

Connecticut General Statutes §10-151

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel**

**Hiring of Non-Certified Staff**

It is the policy of the Board of Education to appoint the most qualified applicants to positions of employment within the Middletown Public Schools, subject to the provisions of any applicable collective bargaining agreement. The Superintendent of Schools or his/her designee and the City of Middletown shall be responsible for appointments to all positions of employment within the Middletown Public Schools which do not require a certificate issued by the State Board of Education.

Legal Reference:

Connecticut General Statutes § 10-220

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

# REPLACE POLICY 4111.3

## Personnel

### **Equal Employment Opportunity/Minority Recruitment Plan for Minority Educator Recruitment**

In accordance with Sections 10-4a(3), 10-220(a), and 10-156ee of the Connecticut General Statutes, the Middletown Board of Education (the “Board”) has developed the following written plan for minority educator recruitment:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. The Board will develop contacts with local training and educational institutions, including those with high minority enrollments, to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
3. The Board will develop contacts with local minority community organizations to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
4. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to minorities.
5. The Board will participate in local job fairs, including those that are sponsored by minority community organizations or otherwise targeted toward minorities.
6. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
7. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

#### Legal References:

Connecticut General Statutes §10-4a (3) Educational interests of state identified  
Connecticut General Statutes §10-220(a) Duties of boards of education  
Connecticut General Statutes §10-156ee Duties re minority teacher recruitment

Policy adopted: October 10, 2017  
Policy revised: November 13, 2018  
Policy replaced:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**DELETE POLICY 4112.4**

**Personnel – Certified and Non-Certified**

**Health Examination**

**Chest X-Ray or Intradermal Test**

All employees upon initial employment shall present evidence of having submitted to examination (chest x-ray, skin test, or other tests designated as acceptable by the health department) to determine that they are free of active tuberculosis prior to commencing service and every four (4) years thereafter or more often if directed by the Board of Education upon recommendation of the local health officer.

**Physical Examinations**

As necessary, the Superintendent may require a medical examination, to evaluate the employee's ability to perform assigned duties, of any certified employee whenever the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind. Such additional medical examinations will be performed by a physician selected by the Superintendent, and the Board of Education will bear the costs of these examinations.

Policy adopted: June 22, 2004  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

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

### **Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures**

#### **Purpose**

The intent of the following policies is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until such time as the information is purged or destroyed in accordance with applicable record retention rules.

The following policies were developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy. The *Middletown Public Schools* may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

#### **Scope**

The scope of this policy applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location from the *Middletown Public Schools*. In addition, this policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

### **Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)**

CJI is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI, is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

### **Proper Access, Use, and Dissemination of CHRI**

Information obtained from the Interstate Identification Index (III) is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR. The III shall be accessed only for an authorized purpose. Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed. Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by appropriate CJIS Systems Agency (CSA) or State Identification Bureau (SIB) officials with applicable agreements in place.

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

### **Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures**

#### **Personnel Security Screening**

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual, or group of individuals, who have been appropriately vetted through a national fingerprint-based record check and have been granted access to CJI data. Agencies located within states having passed legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit fingerprint-based record check within 30 days of employment or assignment on all personnel with who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI. Agencies located within states without this authorization or requirement are exempted from the fingerprint-based background check requirement until such time as appropriate legislation has been written into law.

#### **Security Awareness Training**

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI.

#### **Physical Security**

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.

Only authorized personnel will have access to physically secure non-public locations. The *Middletown Public Schools* will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

#### **Media Protection**

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted per Section 5.10.1.2.

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

### **Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures**

#### **Media Transport**

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. The agency shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

#### **Media Sanitization and Disposal**

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by *Middletown Public Schools*.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- 1) shredding using *Middletown Public Schools* issued shredders.
- 2) placed in locked shredding bins for a private contractor to come on-site and shred, witnessed by *Middletown Public Schools* personnel throughout the entire process.
- 3) incineration using *Middletown Public Schools* incinerators or witnessed by *Middletown Public Schools* personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier Hard-drives, etc.) shall be disposed of by one of the *Middletown Public Schools* methods:

- 1) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
- 2) **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
- 3) **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from *Middletown Public Schools*' control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

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

### **Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures**

#### **Account Management**

The agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

#### **Remote Access**

The *Middletown Public Schools* shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJ. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The *Middletown Public Schools* shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The *Middletown Public Schools* shall control all remote accesses through managed access control points. The *Middletown Public Schools* may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

#### **Personally Owned Information Systems**

A personally owned information system shall not be authorized to access, process, store or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. When bring your own devices (BYOD) are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

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

### **Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures**

#### **Reporting Information Security Events**

The agency shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

#### **Policy Violation/Misuse Notification**

Violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Likewise, violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Legal references:            Connecticut General Statutes  
   10-221d Criminal history records checks of school personnel. Fingerprinting.  
   Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19  
   Special Session, PA 09-1, PA 11-93 and PA 16-67)  
   29-17a Criminal history checks. Procedure. Fees.  
   PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel  
   Records  
   Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S.  
   Department of Justice, Federal Bureau of Investigation, Criminal Justice  
   Information Services Division, October 6, 2015.

CJIS security policy:

<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>

Title 28 C.F.R. Part 20

Policy adopted:            March 13, 2017  
Policy readopted:

MIDDLETOWN PUBLIC SCHOOL  
Middletown, Connecticut

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

### **Personnel Records**

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

Records maintained or kept on file by the State Department of Education or the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure — unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

**POLICY 4112.6(b)**  
**4212.6**

**Personnel — Certified/Non-Certified**

**Personnel Records** (continued)

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files.

1-215 Record of arrest as public record.

1-206 Denial of access to public records or meetings.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

Policy adopted: June 22, 2004  
Policy revised: June 27, 2017

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## Personnel

### Nepotism

*[A Board of Education Policy on nepotism is not required by law and is, therefore, a discretionary decision for the Board of Education. This model policy is provided for the Board's consideration. Pursuant to Conn. Gen Stat. §§ 7-148(c)(10)(B) and 7-148h, a municipality can adopt its own ethics code and establish a board or agency to investigate allegations of unethical conduct. If the Board wishes to adopt a nepotism policy, it should determine whether the town or municipality has adopted an ethics code and, if so, whether it contains any relevant provisions, such as an explicit ban on nepotism or a prohibition against municipal employees from using their positions to financially benefit relatives or immediate family members.]*

## NEPOTISM

### *Purpose*

It is the policy of the Middletown Board of Education (the “Board”) to recruit and hire qualified applicants for employment within the Middletown Public Schools (the “District”), while avoiding both nepotism and the appearance of nepotism.

### *Definitions*

“**Immediate family**” means a spouse, child, parent, sister, brother, half-sister or half-brother.

“**Relative**” means a sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-in-law, son-in-law, step parent, aunt, uncle, niece, nephew, first cousin, grandparent, step child, foster child, grandchild or individual living in the same household.

“**Familial relationship**” means a relationship between a member of one’s immediate family or a relative, as defined within this policy.

### *Prohibitions on Hiring*

No relative or immediate family member of the Superintendent of Schools (“Superintendent”) shall be hired to any position of employment.

No immediate family member of a Board member or any other district-level administrator shall be hired to any position of employment.

**Personnel**

**Nepotism**

***Restrictions on Employment of Relatives***

No individuals shall be hired in a position of employment that would result in a supervisory or evaluative relationship between a current employee and a relative.

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring of his or her relatives.

Employees will not be hired, promoted, transferred or assigned to work in positions in the same school or work unit or department in which a relative is already employed, unless the Superintendent approves such an assignment in writing.

No administrator or supervisor shall supervise any of his or her relatives.

Employees will not be hired, promoted, transferred or assigned to work in positions in which they will have access to confidential information regarding a relative, such as, but not limited to, information regarding benefits selections, confidential medical information or personnel records that are not subject to public disclosure.

No individuals shall be hired in a position of employment that would result in a supervisory or evaluative relationship between a current employee and a relative.

***Restrictions on Employment of Immediate Family Members***

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring of an immediate family member.

Employees will not be hired, promoted, transferred or assigned to work in positions in the same school or work unit or department in which an immediate family member is already employed, unless the Superintendent approves such an assignment in writing.

No person who is a member of the immediate family of a building administrator or department supervisor may be nominated for or transferred or otherwise assigned to any position within that administrator's building or supervisor's department. No administrator or supervisor shall supervise any member of his or her immediate family.

**Personnel**

**Nepotism**

Employees will not be hired, promoted, transferred or assigned to work in positions in which they will have access to confidential information regarding an immediate family member, such as, but not limited to, information regarding benefits selections, confidential medical information or personnel records that are not subject to public disclosure.

***Disclosure Requirements***

A Board member or administrator who has an existing familial relationship with an employee, as defined above, or who has had a change in circumstances which creates a familial relationship with any employee of the District, shall declare such relationship to the Superintendent or Chair of the Board immediately.

If a change in circumstances creates a familial relationship between an employee and his or her supervisor, the Board, through its Superintendent, reserves the right to seek a transfer of any employee in order to resolve any concerns about the operations of the district with respect to nepotism or the appearance of nepotism. The Superintendent may also provide for the evaluation and/or supervision of the employee outside of the typical chain of command in order to resolve any concerns about nepotism or the appearance of nepotism.

A Board member or administrator who knows that his or her relative or immediate family member has applied for a position with the District shall declare such relationship to the Superintendent or the Chair of the Board as soon practicable.

In addition to the requirements set forth above regarding familial relationships, if a romantic relationship develops between an employee and (1) an administrator who has a supervisory or evaluative relationship with the employee, or (2) a member of the Board, the affected administrator or member of the Board shall declare such relationship to the Superintendent.

***Recusal***

A member of the Board should not vote on any action of the Board that will directly affect a relative or member of his or her immediate family.

***Discharge and Denial of Re-Employment***

No current employee will be discharged or denied re-employment pursuant to an applicable recall provision based on this policy.

**Personnel**

**Nepotism**

Policy adopted: September 19, 1995  
Policy readopted: June 22, 2004  
Policy revised: May 13, 2014

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## **DELETE - POLICY 4117.4**

### **Personnel — Certified**

#### **Non-Renewal/Suspension**

##### **Non-Renewal**

Prior to obtaining tenure, a certified employee's contract may be non-renewed provided that the employee is notified in writing prior to May 1<sup>st</sup> by the Superintendent. A teacher so notified may request not later than three calendar days a written statement of the reasons for non-renewal of the contract, and the district will furnish such a statement within four (4) calendar days of the receipt of the request. The teacher may also file with the Board of Education not later than (10) calendar days of receipt of the notice of non-renewal for a hearing before the Board or, if indicated in such request designated by the Board, before a single impartial hearing officer chosen by the teacher and the Superintendent. The hearing shall commence not later than fifteen calendar days after receipt of such request unless an extension, not to exceed fifteen calendar days, is mutually agreed upon.

A teacher who has not attained tenure shall not be entitled to a hearing concerning non-renewal if the reason for such non-renewal is either elimination of position or loss of position to another teacher. The Board shall rescind a non-renewal decision only if the Board finds such decision to be arbitrary and capricious.

##### **Suspension**

A certified employee may be suspended by the Board of Education for an alleged or actual violation of any of the reasons for termination in C.G.S. 10-151(c) or 10-151(d) when insufficient cause for dismissal is considered to exist, or may be suspended pending Board or legal action for dismissal of the employee on charges of violation of one or more of said causes for termination. The Superintendent may suspend an employee pending Board action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, property or reputation of the district, or to the employee.

Legal Reference: Connecticut General Statutes

10-151(b) Employment of teachers, Definitions. Tenure, etc. (as amended by P.A. 12-116, An act concerning Educational Reform)

10-151(c) Employment of teachers. (as amended by P.A. 11-136, An Act Concerning Minor Revisions to the Education Statutes.)

PA 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.

PA 97-247 An Act Concerning Revisions to the Education Statutes.

*Shanbrom v. Orange Board of Education*, 2 Conn. L. Rpts. 396, 398 (1990)

Policy adopted: June 22, 2004  
Policy revised: September 9, 2014  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel**

**Non-School Employment**

Outside employment of District employees may have the potential to materially affect the business operations of the District. Accordingly, it is the policy of the Board that outside employment not interfere with any employee’s ability to perform the duties of his or her job with the School District. It is expected that any outside activity should be carried on in a business-like and ethical manner consistent with the Professional Code of Responsibility, employment contract and the City of Middletown Code of Ethics. Accordingly, employees of the School District may engage in outside employment only under the following conditions:

- A. The outside employment must not conflict with the employee’s work schedules, duties or responsibilities or create a detrimental effect on the employee’s work performance.
- B. The outside employment must not create a conflict of interest with the employee’s job in the School District.
- C. The employment must not involve conducting any business during any hours of employment with the School District.
- D. Self-employment is considered outside employment and is subject to the same conditions set forth for other outside employment.

Legal References:

City of Middletown Code of Ethics  
CT Code of Professional Responsibility for Teachers  
CT Code of Professional Responsibility for Administrators

Policy adopted: September 19, 1995  
Policy readopted: June 22, 2004  
Policy deleted: September 9, 2014  
Policy adopted: January 13, 2015  
Policy readopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## **Personnel — Certified and NonCertified**

### **Employee Safety**

#### **General**

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

#### **Use of Physical Force**

Employees may use reasonable physical force as necessary to protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

#### **Physical Assaults on Teachers, Administrators, Other School Personnel, and Students**

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who shall further report such assault to the local police. The Principals or supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

#### **Legal Protection of Employer**

As required by the general statutes, the Board of Education shall indemnify Board members and employees.

Legal Reference: Connecticut General Statutes  
10233g Boards to report school violence. Reports of principals to police authority.  
10235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.  
10236a Indemnification of educational personnel assaulted in the line of duty.  
53a18 Use of reasonable physical force...

Policy adopted: June 22, 2004  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

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

### **Employee Protection**

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

An employee may use reasonable force as is necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or in the control of a student.

Employees shall immediately report cases of assault suffered by them in connection with their employment to their principal or other immediate superior and to local law enforcement agencies. Such notification shall be forwarded immediately to the superintendent who shall comply with any reasonable request from the employee for information in the possession of the superintendent relating to the incident or the persons involved and shall act in appropriate ways as liaison between the employee, the police and the courts.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

No school administrator shall interfere with the right of a teacher or other school employee to file a complaint with the local police authority in cases of threats of physical violence or actual physical violence against such teacher or employee.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the board of education to furnish legal counsel to defend the employee in any civil action or proceeding brought against the employee, within the limits set by the law.

The Board of Education shall reimburse an employee for the cost of medical, surgical or hospital services (less the amount of any insurance reimbursement) incurred as the result of any injury sustained in the course of his/her employment.

Section 52-557b of the Connecticut General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services or any municipal health department, as certified by that agency. Such immunity extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might constitute ordinary negligence. Such immunity does not apply to acts of omissions constituting gross, willful or wanton negligence.

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

### **Employee Protection (continued)**

### **Personal Liability for Off-Campus Activities**

The Board of Education will grant the same support to principals and their designated representatives for legal protection against suit for personal liability for "off campus" activities as for the traditional "on campus" provided that

1. the activity has been granted prior approval by the board of education or its agent, the Superintendent of Schools.
2. the participating pupil has filed a written statement of permission from the parent or guardian.

Legal Reference: Connecticut General Statutes

10-233g. Boards to report school violence. Reports of principals to police authority. (as amended by 83-44)

10-235. Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

10-236a. Indemnification of educational personnel assaulted in the line of duty.

52-557b. Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

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

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

Policy adopted: September 19, 1995  
Policy revised: June 22, 2004  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## **DELETE POLICY 4212.42(a)**

### **Personnel – Non-Certified**

#### **Drug and Alcohol Testing and Training for School Bus Drivers**

The Middletown Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

The Middletown Public School district contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students. Said provider will annually file with the Middletown Public School district a letter stating its compliance with the federal regulations and state law along with the relevant policy and procedures.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier, by June 30, 2019, to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

*Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.

*International Brotherhood of Teamsters v. Department of Transportation*

932 F. 2d 1292 (1991)

## **POLICY 4212.42(b)**

### **Personnel – Non-Certified**

#### **Drug and Alcohol Testing and Training for School Bus Drivers**

Legal Reference: (continued)

*American Trucking Association, Inc. v. Federal Highway Administration*,  
(1995) WL 136022 (4<sup>th</sup> circuit)

Connecticut General Statutes

10-212c Life-threatening food allergies and glycogen storage disease:  
Guidelines; district plans. (as amended by PA 18-185)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics  
and forklift operators

17-276a Regulations re school bus operators and operators of student  
transportation vehicles; qualifications; training. Pre-employment drug test  
required for operators.

52-557b Immunity from liability for emergency medical assistance first  
aid or medication by injection. School personnel not required to  
administer or render. (as amended by PA 05-144, An Act Concerning the  
Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning  
Life-Threatening Food Allergies in Schools)

Policy adopted: February 14, 2006  
Policy revised: September 9, 2014  
Policy revised: December 11, 2018  
Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Students**

**Student Records, Confidentiality - Directory Information**

**CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

**I. POLICY**

The Board of Education (“Board”) complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

**II. DEFINITIONS**

- A. Access is defined as the right to inspect or review a student’s education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs -- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.
- C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
- D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student’s identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
- E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not

## Students

### Student Records, Confidentiality - Directory Information

limited to, the parent's name, address and/or e-mail address; the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

- F. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.
- G. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.
- H. Education Records
  - 1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.
  - 2. Education records do not include:
    - a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";

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- b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;
  - c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively to the student's capacity as an employee, and 3) are not made available for any other purpose;
  - d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;
  - e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and
  - f) grades on peer-graded papers before they are collected and recorded by a teacher.
- I. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.

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- [J. *If the district maintains a law enforcement unit, the district should include this definition within the policy.*

***Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.]***

- K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.
- L. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1986 is entitled to access to the student's education records without the eligible student's consent.
- M. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; 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 information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
- N. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a

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disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.

- O. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

### III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

- A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the school district and will also be published in the school district's guide to Pupil Personnel **[or Special Education]** Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.
- B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as **directory information**. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

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**IV. CONFIDENTIALITY OF EDUCATION RECORDS**

- A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student’s education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and administrative regulations and in a manner consistent with state and federal law.
- B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.
- C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.
- D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.
- E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

**V. ACCESS TO EDUCATION RECORDS**

- A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Article XI, below. Parents’ rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

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- B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.
- C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.
- D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.
- E. For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.
- F. For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.
- G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the Board shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

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- H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's education records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties may only be made in accordance with the exemptions and provisions set forth in Article VII, below.
- I. Pursuant to the procedures set forth in Article VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.
- J. Non-custodial Parents:
1. Divorced Parents  

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.
  2. Incarcerated Parents  

Nothing in this policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

    - (a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately

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and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;

- (b) such incarcerated parent has been convicted in Connecticut or any other state of sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
- (c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

#### K. Unaccompanied Youth:

Notwithstanding anything in this policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the school district. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

#### L. Copies of Education Records/Fees:

1. The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The Board shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed **[50¢]** per page. ***[Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records].***
2. In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible

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student from exercising the right to inspect and review the student's education records, the district shall:

- a. provide the parent or eligible student with a copy of the records requested, or
- b. make other arrangements for the parent or eligible student to inspect and review the requested records.

*[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the district elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:*

*3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]*

#### VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS

- A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.
- B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:
  1. the name of any individual, agency, or organization that requested or obtained access to the student's records;
  2. the date of the request for access;
  3. whether access was given;

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4. the purpose for which the party was granted access to the records;
  5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
  6. the legitimate educational interest in obtaining the information.
- C. The record (log) requirement does not apply to requests from, or disclosure to:
1. a parent or eligible student;
  2. a party seeking directory information;
  3. a party who has a signed and dated written consent from the parent and/or eligible student;
  4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
  5. persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).
- D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.
- E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:
1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
  2. the parties to whom the district disclosed the information.

## VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

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- A. The school system or its designated agent(s) may not permit release of education records or any information from such records that contain personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Article VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.
- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:
  1. School Officials:
    - a) The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.
    - b) A contractor, consultant, volunteer, or other party to whom the district has outsourced institutional services or functions, provided that the party:
      - 1) performs an institutional service or function for which the district would otherwise use employees;
      - 2) is under the direct control of the district with respect to the use and maintenance of education records; and
      - 3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

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- c) The Board shall comply with the below Section I of this Article VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Section I.
- 3. Transfer Students:
  - a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Article X.
  - b) When a student enrolls in a new public school district (including a public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.
  - c) Upon notification by the Department of Children and Families ("DCF") of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with Section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral

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intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b above.

4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs. These entities may make further disclosures of personally identifiable information that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.
5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, and (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under state law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.
7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests,

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administering student aid programs, or improving instruction, so long as:

- a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization,
  - b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and
  - c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).
8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
  9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
  10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with
    - a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
    - b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
    - c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in 18 U.S.C. §§ 2331 and 2332b(g)(5)(B).

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11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Article VI.D, above.
14. The disclosure is to the parent of a student who is under 18 years of age or to the student.
15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the district under 42 U.S.C. § 14071 and applicable federal guidelines.
16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state

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and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if:

- a) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and
  - b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.
17. The disclosure is to an agency caseworker or other representative of the DCF or other child welfare agency or tribal organization who has the right to access a student's case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such records, except to an individual or entity engaged in addressing the student's educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

#### **D. Directory Information**

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

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2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.
3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.
4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

#### **E. De-identified Records and Information**

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may

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allow the recipient to match information received from the same source, provided that:

- a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
- b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
- c) the record code is not based on a student's social security number or other personal information.

#### **F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

- 1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
- 2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

#### **H. Records of the Department of Children and Families ("DCF")**

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1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the FERPA. As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.
  2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.
- I. Except as set forth in Subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.
1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
  2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September 1<sup>st</sup> of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:
    - a. State that the contract has been executed and the date that such contract was executed;

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- b. Provide a brief description of the contract and the purpose of the contract; and
  - c. State what student information, student records or student-generated content may be collected as a result of the contract.
3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to *[Insert Name and Contact Information]*.
4. For purposes of this subsection, the following definitions are applicable:
  - a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.
  - c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.

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- d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. § 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.
  
- e. Student Information means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following:
  - 1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;
  - 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
  - 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.
  
- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software

## **Students**

### **Student Records, Confidentiality - Directory Information**

assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

- 1) Improve educational products for adaptive learning purposes and customize student learning;
  - 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and
  - 3) Develop and improve the consultant's or operator's products and services.
5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:
- a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;
  - b. The Board can provide evidence that it has made a reasonable effort to:
    - 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. § 10-234bb; and
    - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. § 10-234bb;

**Students**

**Student Records, Confidentiality - Directory Information**

- c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and
- d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, signs an agreement that:
  - 1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb; and
  - 2) authorizes the use of such Internet web site, online service or mobile application.
- e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in Subsection 5.b, above.

**VIII. REDISCLOSURE OF EDUCATION RECORDS**

- A. The school district may disclose personally identifiable information from an education record only on the conditions that:
  - 1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and
  - 2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.
- B. Notwithstanding the provisions of Section A above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C above, and at least one of the following conditions is met.

**Students**

**Student Records, Confidentiality - Directory Information**

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
  2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C, and such state or local educational authority or federal official or agency has complied with the requirements of 34 C.F.R. § 99.32(b)(2).
  3. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C (10)).
  4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
  5. The information is considered directory information.
- C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**IX. AMENDMENT OF EDUCATION RECORDS**

- A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:
1. Request in writing that the school district amend the records;
  2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect

## **Students**

### **Student Records, Confidentiality - Directory Information**

with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

- C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

### **X. HEARING RIGHTS AND PROCEDURES**

#### **A. Rights**

1. Upon written request of a parent or eligible student to the Superintendent of Schools, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.
3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.
  - a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
  - b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

**Students**

**Student Records, Confidentiality - Directory Information**

**B. Procedures**

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.
2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.
3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.
4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.
5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

**XI. WAIVER OF RIGHTS**

A. A student who is an applicant for admission to an institution of post-secondary education, or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
2. The letters or statements are used only for the purpose for which they were originally intended.
3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.

**Students**

**Student Records, Confidentiality - Directory Information**

- 4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.

**XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION**

- A. The following definitions shall apply to Article XII of this policy:

- 1. Confidential HIV-Related Information

“Confidential HIV-related information” means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual’s partners.

- 2. Health Care Provider

“Health Care Provider” means any physician, dentist, nurse, provider of services for the mentally ill or persons with intellectual disabilities, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

- 3. Protected Individual

“Protected individual” means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

**Students**

**Student Records, Confidentiality - Directory Information**

4. Release of confidential HIV-related information

“Release of confidential HIV-related information” means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

“School medical personnel” means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.
2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

## **Students**

### **Student Records, Confidentiality - Directory Information**

- C. Accessibility of Confidential HIV-related Information
  - 1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
    - a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
    - b) any person who secures a release of confidential HIV-related information;
    - c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
    - d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
    - e) a medical examiner to assist in determining cause of death; or
    - f) any person allowed access to such information by a court order.
- D. Procedures
  - 1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual, who is also a student, from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.
  - 2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a

## **Students**

### **Student Records, Confidentiality - Directory Information**

student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

#### **E. Disclosures Pursuant to a Release**

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general

## **Students**

### **Student Records, Confidentiality - Directory Information**

authorization for the release of medical or other information is NOT sufficient for this purpose.”

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

### **XIII. CHILD ABUSE REPORTING**

Nothing in this policy shall limit a mandated reporter’s responsibility to report suspected child abuse or neglect under the Board’s Child Abuse and Neglect Reporting Policy [reference policy number]

#### **1. XIV. RIGHT TO FILE A COMPLAINT**

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 *et seq.*  
Conn. Gen. Stat. § 10-220h  
Conn. Gen. Stat. § 10-15b  
Conn. Gen. Stat. § 10-233d  
Conn. Gen. Stat. § 10-234aa  
Conn. Gen. Stat. § 10-234bb  
Conn. Gen. Stat. § 10-234cc  
Conn. Gen. Stat. § 10-234dd

## **Students**

### **Student Records, Confidentiality - Directory Information**

Conn. Gen. Stat. § 10-234ff  
Conn. Gen. Stat. § 10-234gg  
Conn. Gen. Stat. § 10-220d  
Conn. Gen. Stat. § 10-253  
Conn. Gen. Stat. § 17-16a  
Conn. Gen. Stat. § 17a-28  
Conn. Gen. Stat. § 17a-101k  
Conn. Gen. Stat. § 19a-581 *et seq.*  
Conn. Gen. Stat. § 46b-134

Regs. Conn. State Agencies § 10-76d-18

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

#### Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g

USA Patriot Act of 2001, Pub. L. No. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. No. 114-95.

34 C.F.R. §§ 99.1 - 99.67

**Students**

**Student Records, Confidentiality - Directory Information**

34 C.F.R. § 106.45

34 C.F.R. §§ 300.560 - 300.576

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.

Policy Adopted:

MIDDLETOWN PUBLIC SCHOOLS

Middletown, Connecticut

Middletown Board of Education  
BOE Transfer of Funds

Date Range: 23-Sep-2021 to 04-Oct-2021 For FY 2022

Account	Description	Original Budget	Budget Adjust	Total Budget	From	To
Journal#: 37927      Date: 28-Sep-2021						
From 1010-012-1000-425-51309-00000	MOODY: SEL*INTERVENTIONIST	56,160.00		56,160.00	2,280.00	
To 1010-012-1000-150-55304-00000	MOODY: LIT&READ*SUBSCRIPTIONS					2,280.00
	Purchase Reading A-Z and Raz-Kids annual subscriptions for 12 classrooms at Moody.					
Total Transfer for Central Office					2,280.00	2,280.00
Journal#: 37916      Date: 23-Sep-2021						
From 1010-054-1000-350-56900-00000	BMS: PERFORM ARTS*SUPPL*OTHER	1,300.00		1,300.00	305.00	
To 1010-054-1000-350-58100-00000	BMS: PERFORM ARTS*MEMBERSHIP/DUES	395.00		395.00		305.00
	Transfer funds to pay for music membership and associated fees for seven teachers.					
Total Transfer for WWMS					305.00	305.00
*** Grand Total To Transfer					2,585.00	2,585.00



# MIDDLETOWN PUBLIC SCHOOLS

“Unlocking the Potential in ALL Students”

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

## TRANSPORTATION REPORT

September 9, 2021 THROUGH June 16, 2022

2021 – 2022 SCHOOL YEAR										
CATEGORY	SEP	OCT	NOV	DE C	JAN	FEB	MAR	AP R	MAY	JU N
NEW STUDENTS	22									
SCHOOL TRANSPORTATION CHANGES	78									
LEFT DISTRICT / SCHOOL	6									
BUS DRIVER COMPLAINTS	3									
BUS CONDUCT REPORTS	48									
BUS ACCIDENTS	1*									

\*9/21/2021: Farm Hill Bus #28. Minor accident while the bus was turning onto Hubbard Street. The bumper of the bus struck a parked car

\*The complaints involving bus drivers are due to buses being late to their designated route stops.

2020 – 2021 SCHOOL YEAR										
CATEGORY	SEP	OCT	NOV	DE C	JAN	FEB	MAR	AP R	MA Y	JU N
NEW STUDENTS	18	12	3	2	4	0	8			
TRANSPORTATION CHANGES	118	8	4	1	2	2	4			
LEFT DISTRICT / SCHOOL	1	4	2	5	5	3	3			
DRIVER COMPLAINTS	0	0	1*	0	0	0	0			
BUS CONDUCT REPORTS	2	10	9*	1	1	3	12			
BUS ACCIDENTS	2*	0	0	0	1*	0	1*			



Board of Education Meeting  
October 21, 2021

***Boldly** Unlocking the Potential in ALL Students*



## Secondary Highlights

### *Beman Middle School & Middletown High School*

## Beman Middle School

### Innovation Center Updates

During the past month the Innovation Lab has been setting up the following:

- Technology for the Video Production Lab
- Multitude of 3D printer in the manufacturing Lab and the “FAB Lab”
- Assembling and getting the drones ready for flight
- Organizing the “Garage”
- The STEAM classes have all used the space for their first unit on Leonardo Da Vinci and his machines.

Our Innovation coordinator Mrs. Erin Scholes has been able to meet and collaborate teachers at the high school in the area of

- Aerospace
- Video Production
- Engineering and robotics
- Middlesex Community College Digital Media Production
- MOVIA’s I-PAL

Ms. Scholes will be working with teachers and each student on how we can use the technology to amplify student voices through their culminating project in which each student will be writing their own "This I Believe" statement.





# Secondary Highlights

## *Beman Middle School & Middletown High School*



Command Center

## Beman Middle School



The "Garage" Workspace



The "FAB Lab"





# Secondary Highlights

## *Beman Middle School & Middletown High School*

### **Beman Middle School**

#### Advisory Lessons

##### *Conflict Resolution 9/29 As part of Beman Social Emotional Learning Lessons*

- Teachers and students discussed typical middle grade conflicts and the resources that students can use to resolutions to conflicts
- Students role played these conflict and utilized the restorative questions to respond to the conflict
- Teachers discussed with students Social Media Conflicts and facilitated an open conversation how to resolve these conflicts as well.

##### *Decision Making 10/13 As part of Beman Social Emotional Learning Lessons*

- Teachers discuss middle grade decision making and introduce the (5) step process of making appropriate decisions  
\*Calm down and observe \* Think about what you want/need \* Consider options \* Choose and act, appropriately \* Reflect on your decision
- Teachers and students discuss and then the various scenarios, the decision students made and what the process they used to make this decision
- Students then reflect on poor decisions they may have made and what they would do differently the nest time





# Secondary Highlights

## *Beman Middle School & Middletown High School*

### Middletown High School

**Advisory** time each day with Wednesday Workshop that includes grade level specific lessons.

9/9 - Presentation regarding handbook information, attendance, safety, lunch waves, COVID protocols etc

9/15 - **Mood Meter** Lesson- All Grades

9/22 - Advisory **Charter** Lesson- All Grades

9/28 - Presentation to Grade 12 Advisory facilitated by Mr. Mertel regarding **acceptable school behavior** and taking a **positive leadership role** as an upper class student

9/29 - Grade 9 - **Resources/Supports at MHS**  
Grade 10 - **High School Vision**  
Grade 11- **Peer Influence and Decision Making**  
Grade 12- **Emotions in Transition**

9/30 - Presentations to Grades 9, 10 and 11 facilitated by all assistant principals regarding **acceptable school behavior**

10/6 - Grade 9-12 - Naviance Lesson

10/13 - Grades 9 - 11 - PSAT  
Grade 12 - College Applications

10/20 - Grade 9 - **Recognizing Emotions**  
Grade 10 - **Emotions and Learning**  
Grade 11- **Post - Secondary Options**  
Grade 12 - **A Vision for Senior Year and Beyond**

10/27- Grade 9 - **Random Acts of Kindness**  
Grade 10 - **Support Networks**  
Grade 11- **My Career Goals**  
Grade 12- **Completing the FAFSA**





## Middletown High School

### **Intervention strategies supported by the Rise Network**

3 Guidance Counselors assigned to the 9th grade class to ensure students have a strong foundational year and are on track to graduate

2 Assistant Principals are assigned to the Freshman class

9th grade students are on a team with the same 4 core teachers to provide maximum support and assigned to a First Year Seminar class with one of their core teachers

On Track Conferences with the entire school

### **MHS Groups**

GIFTS- Girls Inspired For Total Success

Dragon Watch

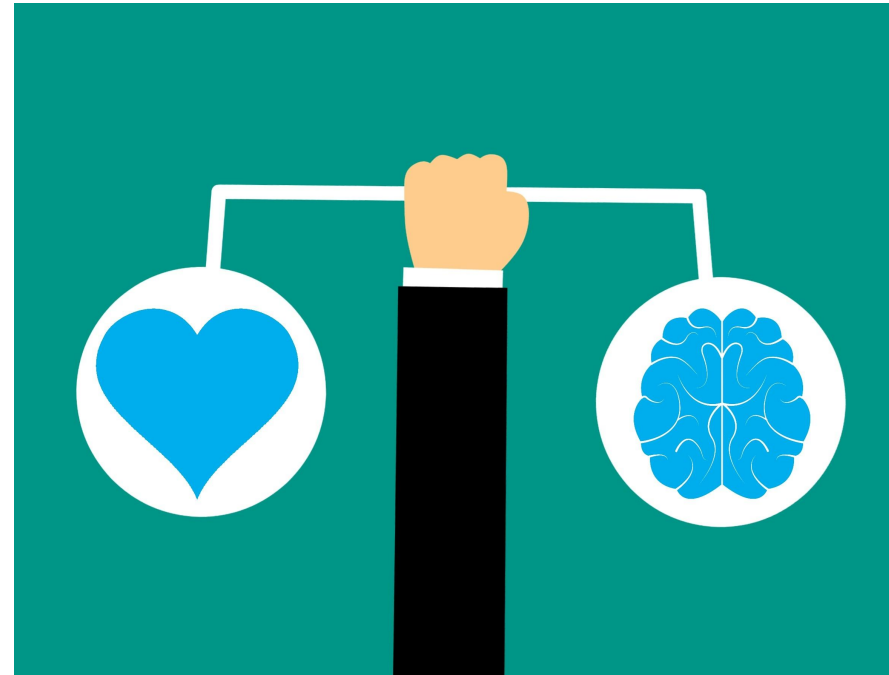
Men of Excellence

Girls Circle



# Middletown Public Schools District Mental Health & SEL Staff

- 4 - MSEL Coordinators
  - 1 District
  - 1 FH/Law/Moody
  - 1 Biel/Spencer/Snow
  - 1 Wesley, Mac, Beman
- 13 - School Psychologists
  - 2.5 MHS
  - 2.5 Beman
  - 1 per Elementary
- 12- Social Workers
  - 2 MHS
  - 2 Beman
  - 1 Biel
  - 1 F.H.
  - 1 Law/Snow
  - 1 Moody/Wes
  - 1 Spen.
  - .5 Mac
  - 1 Pre K
  - .5 Transition
  - 1 Adult Education



# Middletown Public Schools District Mental Health & SEL Staff



- **6 - BCBA** (Board Certified Behavior Analyst)
  - 1.5 Beman
  - .5 Snow
  - 1 Moody/Law
  - 1 MHS/Mac/Wes
  - 1 FH/Pre K
  - 1 Spen/Biel
- **12 - RBT** (Registered Behavior Technician)
  - 3 MHS
  - 3 Beman
  - 1 Spencer
  - 1 Moody
  - 2 Farm Hill
  - 2 Bielefield
- **5 - ESS Clinicians** (Effective School Solutions)
  - 3 MHS
  - 2 Beman





# Middletown Public Schools District Mental Health & SEL Staff

- 12 - School Based Clinicians
  - 3 MHS
  - 2 Beman
  - 1 Biel, 1 FH, 1 Law, 1 Mac, 1 Moody, 1 Snow, .5 Spencer, .5 Wesley
- 1 - Guidance Department Head (MHS & Beman)
- 13 School Counselors
  - 8 MHS
  - 3 Beman
  - 2 Adult Education
- 8 Faith Based Mentors
  - 1 per Elementary School
- 10 SEL Interventionists
  - 1 per school - Beman, Bielefield, Farm Hill, Lawrence, Macdonough, MHS, Moody, Spencer, Snow, Wesley
- 8 Home Visitors
  - Beman, Bielefield, Farm Hill, Lawrence/Moody, Mac, MHS, Spencer/Wesley, Snow



Middletown 2024:

# Elevating Innovation, Creativity, and Equity

Strategic Operating Plan 2021-2024



**Middletown's Comprehensive  
Multi Tiered System of Support:**

## **MSELI**

### ***Goal 4.3***



*Unlocking the Potential in ALL Students*

Middletown 2024:

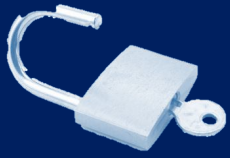
# Elevating Innovation, Creativity, and Equity

Strategic Operating Plan 2021-2024

## What is Social Emotional Learning?



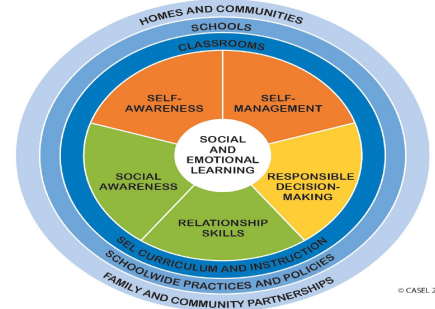
*Unlocking the Potential in ALL Students*



# Social Emotional Learning

## Social and Emotional Learning (SEL)

- Is the process through which all young people *and* adults acquire and apply the knowledge, skills, and attitudes to:
  - Develop Healthy Identities
  - Manage Emotions and Achieve Personal and Collective Goals
  - Feel and Show Empathy for Others
  - Establish and Maintain Supportive Relationships
  - And Make Responsible and Caring Decisions
- 
- **CASEL 2020**  
**Collaborative for Academic and Social Emotional Learning**





# WHY Address SEL in Schools?



## CASEL Research:

- Students who participated in evidence-based SEL programs showed an 11 point gain in academic achievement.
- Participation in SEL programs resulted in decreased dropout rates, school and classroom behavior issues, drug use, teen pregnancy, mental health problems, and criminal behavior.
- A review of evidence-based SEL programs showed that for every dollar invested there was an economic return of 11 dollars.
- Survey of teachers commissioned by CASEL found 93% of teachers want a greater focus on SEL in schools.
- Employers value SEL “Even though applicants had the technical prowess, they lacked the communication, adaptability, decision-making, and problem-solving skills needed to do the job.”

# Middletown Social Emotional Learning and Intervention

## MSELI

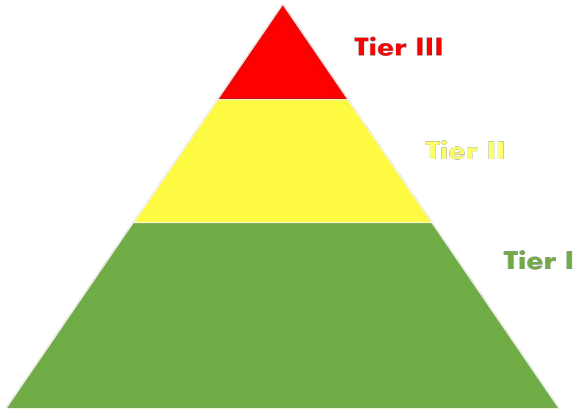
- Multi Tiered System of Support
- Equity framework in which every student receives the support they need to be successful rather than every student receiving the same support
- Universal strengths based SEL screening
- Data Based Decision Making and Tiered Intervention Matched to Students' Individual Needs



*Unlocking the Potential in ALL Students*

# Middletown Social Emotional Learning and Intervention

MSELI

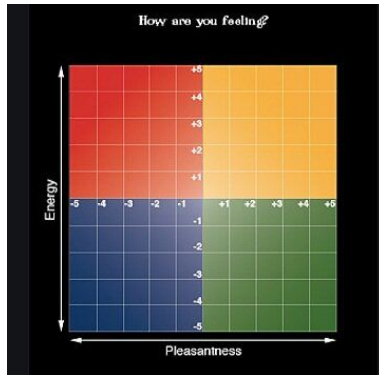


- Tier 3: Intensive, Individualized Support  
School based counseling, referrals to more intensive supports in and out of school
- Tier 2: Small Group  
SEL curriculum intervention mirroring Academic SRBI model and RtI
- Tier 1: Whole Class  
Strengths based universal screening, Social Emotional Learning curriculum and instruction, horizontal and vertical alignment, common language



*Unlocking the Potential in ALL Students*

# Alignment AND Individualized Support



RULER SEL Curriculum - Pre-K-12 alignment at all schools

Universal Common Language

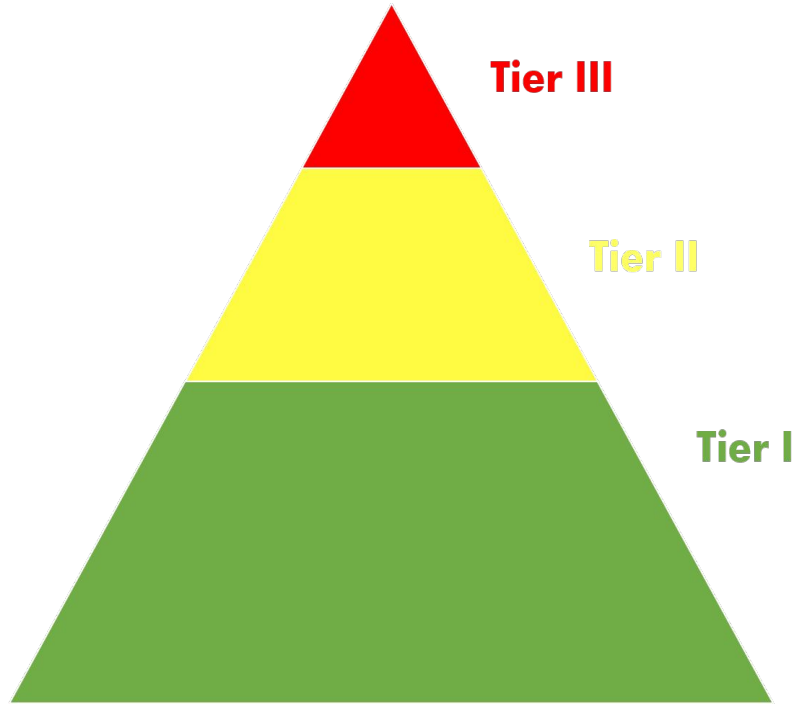
- Mood Meter: Feelings Vocabulary and “Permission to Feel”
- Meta Moment: Stop and See Your Best Self
- Charter: Shared Group Norms
- Blueprint: Conflict Resolution and Social Thinking

One strategy  $\neq$  Equity



*Unlocking the Potential in ALL Students*

# Alignment AND Individualized Support



**Tier 3:** Psychiatric Clinical Consult, Trauma Informed Care  
**CBITS/Bounce Back, Wrap Around Care Coordination (MSELI),**  
 BCBA consult, FBA/BIP, School Psych/SW intervention (clinical,  
 individualized)

**Tier 2:** **MSELI Intervention, RULER, Empowering Education,**  
 Choose Love, Second Step, Social Thinking, District SEL Lending  
 Library, CASEL, DESSA, Search Institute Developmental Assets,  
 Zones of Regulation, Circle of Friends (small group, targeted); Wrap  
 Around Coordination (MSELI), Girls and Boys Circle, Restorative  
 Practices (small group), Home Visitors, All Pro Dad, Faith Based  
 Mentors, Middletown Youth Services Bureau

**Tier 1:** **MSELI Universal Screening, RULER, Empowering  
 Education, Choose Love, Second Step, Restorative Practices,  
 Equity Coaching, SEL Coaching,** Responsive Classroom, Yoga 4  
 Classrooms, Tapping, Social Thinking, Nurtured Heart, Mindfulness,  
 PBIS, CHL (universal, whole class), District SEL Lending Library,  
 Middletown Social Emotional Learning Curriculum Shared Drive,  
 Health/PE Wellness Curriculum

# Middletown Social Emotional Learning and Intervention

**MSELI**

Pre-K - 12 Alignment in ALL SCHOOLS THIS YEAR!

Comprehensive, strategic, intentional build over last 4 years

Leveraged Project AWARE and SOP vision

Not a program!

System of student supports which promotes a mindset shift towards a culture of equity and inclusion, respect for our own emotions and the emotions of others, not just student behavior. PBIS < SEL



*Unlocking the Potential in ALL Students*



# Exciting Partnership with CSDE!

Expansion to secondary schools this year!

Full implementation this year Pre-K-12 all schools

Beman Middle School: Teacher Report

MHS: Student Self-Report

CSDE will fully fund for the next 3 school years

Middletown was the pilot district through AWARE - now statewide



© CASEL 2017



*Unlocking the Potential in ALL Students*



# Major Innovation and Systems Changes Within MSEL and MTSS

## Prevention

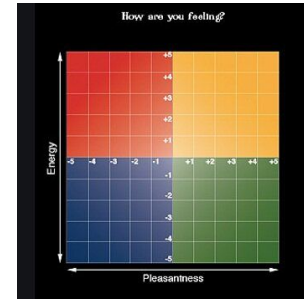
- Explicit instruction in SEL - Tier 1
- SEL Prioritized within Curriculum and School Schedules

## Early Intervention

- DESSA Universal SEL Screener
- Trauma Informed Screening and Intervention

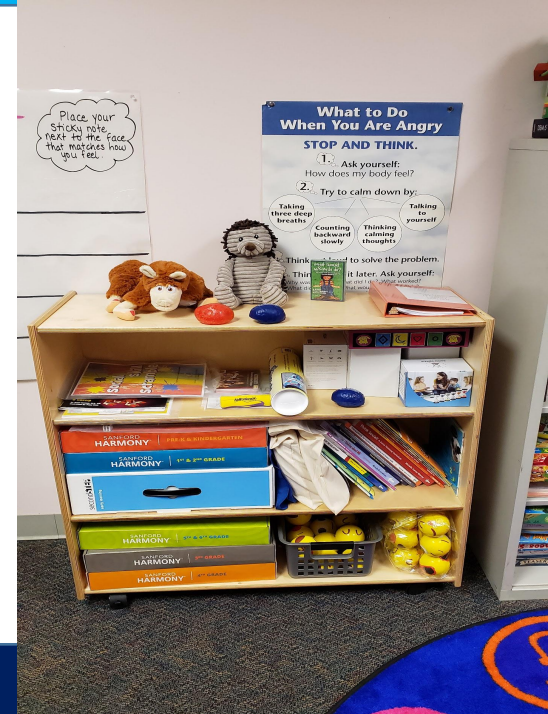
## Community Approach to SEL

- Faith Based Mentors from Community,  
All Pro Dads, Home Visitors, Parent Participation



# SEL Sustainability

## Middletown Social Emotional Learning Curriculum Library and Online Drive



# Trauma Informed Practices

**Kognito**

**Knowledge**

**CBITS**

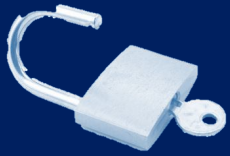
**Skills**

**Targeted Trauma  
Screening  
All Schools**

**Continuous Improvement**



*Unlocking the Potential in ALL Students*



# Equity within SEL

## Centering Racial Equity in Social Emotional Learning

- **MSELI & District Equity Leadership Team: Intentional Development of Racially Conscious MTSS**
  - Improved data literacy for race, grade, f/r, ELL demographics
  - Improve outcomes for students of color and diminish any disproportionalities
  - Use SEL practices and tools in ways that are student centered, personalized, and culturally and racially conscious and sustaining
  - Continuous Improvement: Partner with DELT for ongoing adult learning and racial equity PD within SEL
- **More equitable access to support services for *all* students**
  - Data based decision making
  - Strengths based universal screening
  - Student Centered: Access to personalized supports based on students' needs, not behavior referrals
  - Multidisciplinary teams
  - Focus on Family and Community Partnerships
  - Strengths based interventions and supports vs. discipline/pathology
- **Shift from Character Education to Social Emotional Learning**
  - Embrace all cultures' SEL
  - Personalized Learning: It is not my role to teach you my SEL, but rather to empower you to embrace yours, and then to create space for your SEL within our shared learning environment
  - *Shared* norms, *self*-awareness and *self*-management = focus on self and learning community





# MSELI Data and Outcomes: District Highlights

**Over 300 students received  
MSELI Tier 2 Interventions  
last year**

82% of students receiving MSELI  
intervention at Tier 3 were  
successfully connected to clinical  
services (K-12)

- Significant increase from the 55% (district average)
- Wraparound service model

**Over 1400 students received tiered SEL  
and/or mental health interventions and  
services in our schools last year**

**Approx 1 in 3  
Students**

**SBHC, ESS,  
School Counselors, School Psychologists,  
School Social Workers, Mobile Crisis**

**In person, virtual, and hybrid supports**



# MSELI Data Outcomes: Secondary Schools Highlights

## Beman Middle School

**Approx 80% of middle school students receiving SEL intervention:**

- Increased attendance
- Decreased conflict with peers
- Reduced inappropriate classroom behavior
- Increased social awareness on DESSA ratings (gr.6)

**Middle school students involved in Girls Circle (evidence-based SEL group curriculum) showed increased involvement in class participation and parents reported increased communication with their children at home**

**Middle school students receiving MSELI support increased virtual attendance in the hybrid year**

## MHS

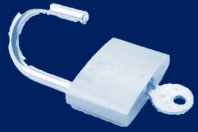
**100% of MHS students receiving SEL intervention reported improvements in:**

- Self Awareness (identifying emotions and personal strengths)
- Self Management (goal setting, organizational skills, and stress management)

**95% of MHS students receiving SEL services were able to meet their goals**

- 5% were referred to a higher level of support (i.e. SBHC, ESS)

**100% of MHS Seniors who received SEL services increased attendance and coursework completion, resulting in graduation**



# MSELI Data Outcomes: Elementary School Highlights

## Of Students Receiving SEL Intervention:

**Approx 80% of students made growth in one more social emotional competencies:**

- **Setting and achieving academic and social goals**
- **Building confidence**
- **Self-Management of Emotions and Behavior**

### **Snow School:**

**76% of students in needs range moved to typical/strengths range in 6 months**

### **Spencer:**

**94% of students made growth in math scores**  
**75% of students made growth in reading scores**

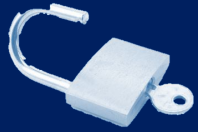
### **Bielefield:**

**80% of students improved attendance**

### **Macdonough:**

**92% of students improved in one or more areas:**

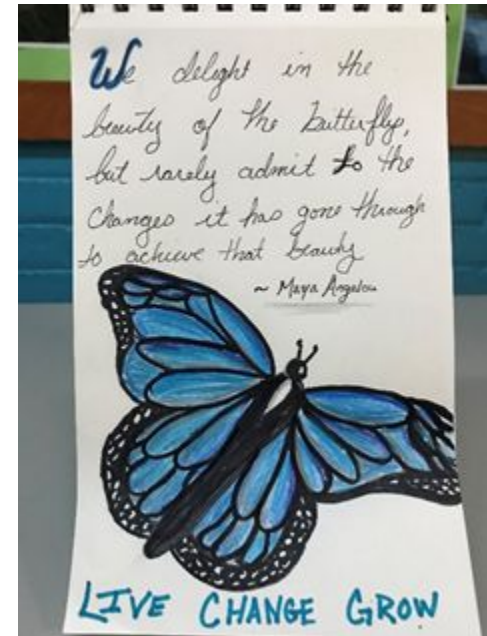
- **Improved attendance**
- **Decreased behavioral difficulties in the classroom**
- **Improved overall social functioning**
- **Improved academic performance.**

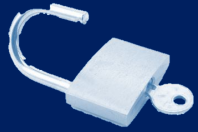


# MSELI Data Outcomes

## District Highlight: Farm Hill Elementary School 2019-2020 School Year

- **90%** of students receiving SEL intervention demonstrated improvement on the DESSA SEL assessment
- **100%** Parent Participation
- **88%** of referrals to community agencies made successful connections
- Conduct referrals **down 55%** over 3 years (2017-2020)
- Suspension rates down to **ZERO** in the 2019-2020 school year (ISS/OSS)





# MSELI Data: Big Picture

Data tells us that MSELI is helping students across all tiers of intervention (universal, targeted, and intensive)

Improved academics,  
attendance  
and social skills

Decreased behavioral  
difficulties and conflicts  
with peers

DESSA  
standardized  
scores

Student, Parent,  
Teacher, and Clinician  
Report

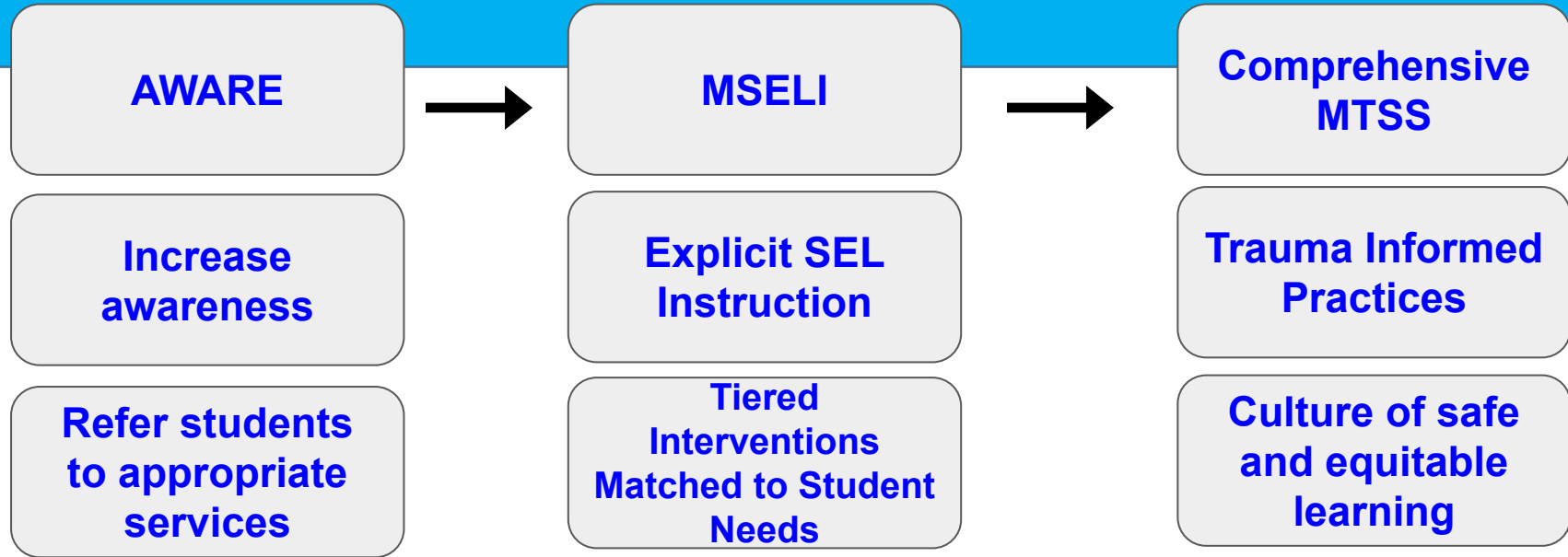
Still mitigating the traumatic and social impacts of the pandemic

Sustainability

Expansion:  
DESSA Secondary  
Restorative Practices  
Interventionists

Continuous Improvement:  
Aligned Data Literacy  
Data Based Decision Making

# What's Next? Sustain and Expand



*Unlocking the Potential in ALL Students*

# Connecting Students and Families to Services

What to know  
more?

Classroom  
Teacher

School  
Counselor

Check out our website:

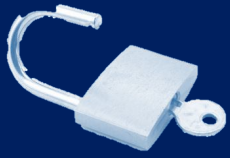
[www.middletownschools.org](http://www.middletownschools.org)

Special Education and Student Services

Social Emotional Learning and Intervention



*Unlocking the Potential in ALL Students*



# Q & A

**“Students don’t care how much you know, until they know how much you care.”**

**- John C. Maxwell**



MIDDLETOWN BOARD OF EDUCATION

BUDGET COMMITTEE

Minutes

Monday, September 13, 2021, 5:30 PM

Virtual Meeting - Video available at <https://youtu.be/7xknrRE3iBc>

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

**Also Present: Dr. Michael Conner, Chris Bourne, Marco Gaylord, Cheryl Walcott, Michael Skott, Vincent Loffredo (Common Council Member)**

**Line Item Transfers - The biggest item is the Transportation Software - Trapeze. It helps with real-time bus location. It was purchased with coronavirus relief funds, and now we need to pay the annual fee, which was not included in original budget. It will be included in future budgets. Memberships include funds not already budgeted, for example to cover new administrators like Dr. Vasquez-Matos.**

**Summer Facilities Projects - Trades, facilities, custodial, all staff had to take care of large number of projects on top of getting Beman ready. Snow school roof needed repairs, resulting in temporary classrooms in the gym. Those costs are covered by insurance claims. We had to hold off on FarmHill/Snow roofs, but once approved by state, we will move forward as soon as possible.**

**Staffing - Duty aides - four schools have 4 hired, including Moody, Spencer, Farm Hill and Mac. Lawrence still needs 2 and Wesley needs 2. It's been a difficult position to fill, but similar circumstances to prior years. Paras have been the most challenging. Still hiring, need 22, but mostly covered to work with students now. Dr. Conner spoke to the city re lunch staff. They have an eligibility list. We need to onboard five and post for 2. Can't shift employees from school to school. Food service manager position was offered and declined. It was reposted and closes on the 17th. We want to move as quick as possible, and there is a hiring committee ready to go. There is also a security guard opening waiting to be filled. Secretary position at elementary needs to be filled. Moody secretary transferred due to spring vacancy - we've been using a para to fill in that role. We are posting constantly for subs. It's hard to offer temps with positions with lower pay permanent. We have IT positions that also need to be filled. The city hired police and fire chiefs and we are hoping that the BOE positions get priority now.**

**Recently filled admin positions - formal press releases will be issued for new hires. Dir. Diversity Equity and Inclusion to be interviewed, as well as Dir. of STEAM.**

**Discussion re school supplies - need vs. wants Different schools have different practices and it will be discussed how to make more uniform. Also some schools get grants that help with certain things - goes through principals.**

**Adjourn - 6:26 p.m.**

**Respectfully submitted,**

**Sean King, Budget Committee Chair**

## Middletown Public Schools -Board of Education

### BOE Facilities Committee Meeting Minutes

Wednesday, September 15, 2021 at 5:30 PM (Virtual)

The meeting was called to order at 5:33 PM by Chairperson Deborah Cain, was held virtually on Zoom and streamed on YouTube.

Present: Deborah Cain (Chairperson), Peter Staye (Facilities Director), John Giuliano (Snow School Building Superintendent), Vinnie Loffredo (Community Member), Dan Penney (Community Member), David Bauer, Ray Linehan from BOE IT and Committee Secretary Leslie Spatola (Board of Ed Facilities).

#### I. Introductions

#### II. Review of the May 26, 2021 Meeting Minutes

The meeting scheduled for May 26, 2021 was cancelled. There were no minutes.

#### III. Update on Macdonough Feasibility Study – M. Gaylord

Mr. Loffredo inquired to see if the feasibility study had been completed for the Macdonough Elementary School. Mr. Staye replied the final report has not been issued and DAS meeting at the school was cancelled and not yet been rescheduled – everything is on hold at this time.

#### IV. Status of the Beman Middle School Construction Project – P. Staye

Mr. Staye stated that the Beman School was opened on schedule with work continuing in the Auditorium and the eastern portion of the site. A wall has to be built on the remaining side of the old Woodrow Wilson Middle School before the site work can be completed. Completion of the Auditorium was delayed due to difficulties manufacturing the theatrical clouds (ceiling mounted sound absorbing panels). The painting will continue through October as well as resolution of punch list items. All staff will report any short comings through an email address established specifically for that reason. Work orders are then generated to O & G who then can complete the work and close it out.

Mechanically the building is working well with the biggest problem being the PA which is being balanced. Start-up of the kitchen equipment was difficult with the problem originating from an orifice that was too small in 2 out of the 4 ovens.

The library shelving and chairs have not yet been delivered but have used other available furniture in the meantime. Mr. Staye's efforts were commended and thanked by the Committee and Mrs. Spatola, secretary all for all his hard work, coordination and completion of this extensive project. He noted that opening a school is a team effort and work will continue for several months.

Other projects that were completed during the summer were replacing floors in Middletown High School (chorus, band, main office, two classrooms and a stairway) and Lawrence School library and surrounding rooms, and Wesley classrooms. LVT tile, which doesn't need wax or stripping, was installed.

V. Update of Snow and Farm Hill Roofing Projects – P. Staye

Mr. Staye has received approval from the State of Connecticut to go out to bid for Farm Hill School in January 2022 with the expectation that the work will be completed next summer 2022. We are currently waiting from the State for the Snow School application as well as the approval for the roof and PV solar panels. The Board is working with the Forestry division and General Council to get this done in a proper way. Mr. Loffredo stated that David Bauer, John Giuliano, and he are on the Farm Hill Roof Committee.

VI. Miscellaneous

Chairperson Cain asked how the staffing issues has been with the Facilities Department which has 2 custodial positions and an accounting position vacant. Currently the list of temporary custodians has been exhausted and there needs to be another working list to help fill these empty spots.

Mr. Loffredo asked if there are any plans in place for the now vacant, Keigwin Middle School. There are no immediate plans for general reuse of the building beyond intermittent use by music programs and Park and Rec.

Chairperson Cain made a motion to adjourn the meeting at 6:02 PM and it was seconded by Mr. Penney.

The next BOE Facilities Committee meeting will be held on Wednesday, October 20, 2021 at 5:30 PM via Zoom.

Minutes recorded by Leslie A. Spatola,

*Leslie A. Spatola*

Facilities Committee Recording Secretary

**MIDDLETOWN BOARD OF EDUCATION  
POLICY COMMITTEE**

Meeting Minutes

Tuesday, September 21, 2021

Virtual Meeting 5:30 P.M.

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

Justin Taylor  
Sean King  
Lisa Loomis

**Also participating:**

Dr. Conner, Superintendent  
Marco Gaylord, Chief of Operations  
Dr. Vazquez Matos, Chief of Academics  
Christine Bourne, Chief of Administration  
Vacianna Farquharson, Director of Pupil Services  
Elisha De Jesus, Director of Athletics  
Colleen Weiner, Principal of MHS  
Cody Altieri, Administrative Assistant

**The Virtual Meeting was called to order by Justin Taylor at 5:37 P.M.**

Justin Taylor turned the meeting over to Marco Gaylord.

**Policy #4115.3 - REPLACE - Evaluation Coaches**

*Attorney Notes:* Recommend repeal and adoption of Model Policy for consistency.

Mr. King asks if the attorney took our collective bargaining units into consideration when recommending this policy? Mr. Gaylord states that the attorney did and also took the CIAC into account.

**The Policy Committee were all in favor and requested this REPLACEMENT Policy #4115.3 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #4115.5 - NEW/REVIEW/ADOPT - Sudden Cardiac Arrest Awareness - Coaches**

*Attorney Notes:* Recommend adopting this policy, as it is best practice to maintain a policy on this topic.

No questions.

**The Policy Committee were all in favor and requested this Policy #4115.5 be brought forward for ADOPTION at the next Board of Education meeting for its first reading.**

**Policy #4118.11 - REPLACE - Civil and Legal Rights - Nondiscrimination - **TABLED****

*Attorney Notes:* Recommend repealing this policy and regulations and replacing it with the Model Policy.

Mr. Taylor asks about the history of the policy and why there was mention of lactation there. Mr. Gaylord states that he is unsure as he was not a part of the committee when this was added. Dr. Loomis requests for this policy to be tabled and Mr. Taylor agrees.

**The Policy Committee were all in favor and requested Policy #4118.11 be TABLED and brought back to the next Policy Committee meeting.**

**Policy #4118.234 Policy - REPLACE - Psychotropic Drug Use**

*Attorney Notes:* Recommend repeal and adoption of the Model Policy for consistency.

No questions.

**The Policy Committee requested this REPLACEMENT Policy #4118.234 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #4118.51 - REPLACE - Social Media**

*Attorney Notes:* Recommend repeal and adoption of the Model Policy for consistency.

No questions.

**The Policy Committee requested this REPLACEMENT Policy #4118.51 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #4147.1 - REPLACE - Occupational Exposure to Bloodborne Pathogens**

*Attorney Notes:* Recommend repeal and adoption of the Model Policy for consistency.

Mr. Taylor asks if this policy will have any impact on the training if we adopt this policy. Mr. Gaylord states that the training will continue and that it is a module that all employees will have to complete, not just custodians and staff.

**The Policy Committee were all in favor and requested this REPLACEMENT Policy #4147.1 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #4152.6 - REPLACE - Family and Medical Leave**

*Attorney Notes:* Recommend repeal and adoption of the Model Policy for consistency

Mr. King asks if we have a state medical leave act that is slightly more protective than the federal law. He thinks that we do, and asks if our attorney reviewed it in light of that policy as well or if we would need a separate policy. Dr. Vazquez Matos states that the model policy references CT statutes. Mr. Taylor requests to ask the attorney. Mr. Gaylord says we will move forward and if there is an issue then we will pull it back.

**The Policy Committee were all in favor and requested this REPLACEMENT Policy #4152.6 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #5141.231 - DELETE - Psychotropic Drug Use**

*Attorney Notes:* Recommend repeal of this policy due to redundancy

No questions.

**The Policy Committee were all in favor and requested this Policy #5141.231 be brought forward for DELETION at the next Board of Education meeting for its first reading**

**Policy #5131.911 - REPLACE - Bullying, Prevention, and Intervention**

*Attorney Notes:* This policy requires immediate revision. New definition of bullying became effective July 1, 2021.

Mr. Taylor asks for clarification on the differences of the policy and the safe school climate plan. Mr. Altieri clarifies that the school climate plan is completely separate and unique to MPS. That is why the attorney stated we can keep our school climate plan and forgo adopting Shipman's model. No further questions.

**The Policy Committee were all in favor and requested this REPLACEMENT Policy #5131.911 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #5141.32 - REVISE - Immunizations**

*Attorney Notes:* Policy concerning Immunizations requires immediate revision due to legislative changes concerning religious exemptions.

No questions.

**The Policy Committee requested this REVISED Policy #5141.32 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #5145 - REPLACE - Section 504 of the Rehabilitation Act of 1973**

*Attorney Notes:* Recommend adopting the model policy and regulations as soon as possible

No questions.

**The Policy Committee requested this REPLACEMENT Policy #5145 be brought forward to the next Board of Education meeting for its first reading.**

**Policy #5145.5 - REVISE - Prohibition of Sex Discrimination and Sexual Harassment**

*Attorney Notes:* Additional revisions were made to the model policy, recommend revision as soon as possible

Mr. Gaylord states he will get an explanation from the attorney on what specific revisions were made to the policy. Afterwards, he will get this explanation out to the committee as soon as possible.

**The Policy Committee were all in favor and requested this REVISED Policy #5145.5 be brought forward to the next Board of Education meeting for its first reading.**

**Other**

Mr. Taylor asks if they are in a position to move the previously tabled graduation policy forward. Ms. Weiner asks if she can just have a minute with either Mr. Altieri or Mr. Gaylord to tweak the policy and then it should be all set.

**ADJOURNMENT**

The meeting was adjourned at 6:07 P.M.

**The next virtual Policy Committee meeting is scheduled for October 19, 2021 with a time of 5:30 P.M.**

Respectfully submitted,  
Cody Altieri  
Administrative Assistant

**Personnel**  
**Evaluation Coaches**

**EVALUATION, TERMINATION AND NON-RENEWAL OF ATHLETIC COACHES**

It is the policy of the Middletown Board of Education (the “Board”) that an athletic coach employed by the Board shall:

- 1) adhere to all Board policies, rules and regulations;
- 2) conduct himself or herself in a professional manner;
- 3) serve as a role model for students; and
- 4) demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term “**athletic coach**” means any person holding (and required to hold) a coaching permit issued by the Connecticut State Board of Education who is hired by the Board to act as a coach for a sport season. The term “athletic coach” under this policy shall include only coaches who have direct responsibility for one or more teams (including assistant coaches if they serve as a coach to another team (*e.g.*, JV)), and the term shall not include other assistant coaches and volunteer coaches.

For purposes of this policy, the term “**athletic director**” means an individual responsible for administering the athletic program of a school or school district under the jurisdiction of the Board, and who is responsible for the supervision of athletic coaches.

The Superintendent may adopt administrative regulations in accordance with this policy.

**I. Evaluations**

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the athletic director or the coach’s immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation. Other assistant and volunteer coaches may be evaluated as directed by the Superintendent of Schools or his/her designee.

**II. Employment of an Athletic Coach**

- A. Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (*e.g.*, basketball, golf) may be non-renewed or terminated at any time, subject to the provisions set forth below which apply to athletic coaches who have served in the same coaching position for three or more consecutive school years.
- B. If the Superintendent non-renews or terminates the coaching contract of an athletic coach who has served in the same coaching position for three or more consecutive school years, the Superintendent shall inform such coach of the

**Personnel  
Evaluation Coaches**

decision within ninety (90) calendar days of the end of the athletic season covered by the contract. In such cases, the athletic coach will have an opportunity to appeal the decision of the Superintendent in accordance with the procedures set forth below in Section III.

- C. Notwithstanding any rights an athletic coach may have to a hearing, nothing prohibits a Superintendent from terminating the employment contract of any athletic coach at any time, including an athletic coach who has served in the same coaching position for three or more consecutive school years:
  - 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or
  - 2) because the sport has been canceled by the Board.
- D. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

**III. Hearing Procedures:**

An athletic coach who has served in the same coaching position for three or more consecutive school years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there

## REPLACE POLICY 4115.3

### Personnel Evaluation Coaches

is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.

- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

#### Legal References:

Conn. Gen. Stat. § 10-222e Policy on evaluation and termination of athletic coaches.

Conn. Gen. Stat. § 10-149d Athletic directors. Definitions, Qualifications and hiring. Duties.

Policy adopted: December 14, 2004  
Policy readopted: September 9, 2014  
Policy replaced:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel**

**Sudden Cardiac Arrest Awareness for Intramural and Interscholastic Athletics**

Prior to each season of any Board of Education intramural or interscholastic athletics, each coach who holds or is issued a coaching permit by the State Board of Education and is a coach of any Board of Education intramural or interscholastic athletics, must provide each participating student's parent or legal guardian with a copy of the informed consent form regarding sudden cardiac arrest developed by the State Board of Education and obtain such parent's or legal guardian's signature, attesting to the fact that that such parent or legal guardian has received a copy of such form and authorizes the student to participate in the intramural or interscholastic athletics.

Any person who holds or is issued a coaching permit by the State Board of Education and is a coach of Board of Education intramural or interscholastic athletics shall annually review the sudden cardiac arrest awareness education program developed or approved by the State Board of Education prior to commencing the coaching assignment for the season of such intramural or interscholastic athletics.

Nothing in this policy shall be construed to relieve a coach of intramural or interscholastic athletics of his or her duties or obligations under any provision of the Connecticut General Statutes, the regulations of Connecticut state agencies or a collective bargaining agreement.

**Legal References**

Conn. Gen. Stat. § 10-149f. Sudden cardiac arrest awareness education program. Consent form.

Conn. Gen. Stat. § 10-149g. Coaches to annually review cardiac arrest education program. Revocation of coaching permit. Immunity from suit and liability.

Policy adopted:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel  
Students**

**Psychotropic Drug Use**

**PROHIBITION ON RECOMMENDATIONS FOR PSYCHOTROPIC DRUGS**

In accordance with Conn. Gen. Stat. § 10-212b, the Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) in order for the child to: 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child's eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health or mental health personnel may recommend that a child be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parent(s) or guardian(s) of such child, in accordance with the procedures outlined below.

I. Definitions

For purposes of this policy, the following definitions apply:

- A. Psychotropic drugs means prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication and antidepressants.
- B. Recommend means to directly or indirectly suggest that a child should use psychotropic drugs.
- C. School health or mental health personnel means:
  - 1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;
  - 2. school medical advisors appointed pursuant to Conn. Gen. Stat. § 10-205;
  - 3. school psychologists;
  - 4. school social workers;
  - 5. school counselors;
  - 6. school administrators;

**Personnel  
Students**

**Psychotropic Drug Use**

7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

II. Procedures

- A. A school health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in sharing such information; and 2) such communication shall remain confidential, to the extent required by law.
- B. A school health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person's professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child's education and overall mental health; and 2) any communication includes the basis for the recommendation.
- C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.
- D. Any school personnel with a legitimate educational interest in obtaining information from a child's medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child's parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must: 1) be signed by the child's parent or guardian; 2) be dated; 3) provide the child's name; 4) provide the name of

# POLICY 4118.234 / POLICY 5141.231

## Personnel Students

### Psychotropic Drug Use

the medical practitioner and relevant contact information, to the extent known; and 5) indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance with Section II.D., above. Nothing in this policy shall prevent a Planning and Placement Team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child's (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

#### Legal References:

Conn. Gen. Stat. § 10-76d	Duties and powers of boards of education to provide special education programs and services.
Conn. Gen. Stat. § 10-212b	Policies prohibiting the recommendation of psychotropic drugs by school personnel.
34 C.F.R. § 300.174	Prohibition on mandatory medication.

Policy adopted:

November 22, 2005  
MIDDLETOWN PUBLIC SCHOOLS

Policy revised:

May 23, 2017  
Middletown, Connecticut

**Personnel**

**Rights, Responsibilities and Duties**

**Social Media (Employee Use of Technology)**

The Middletown Board of Education (the “Board”) recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees’ use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

**Legal References:**

U.S. Constitution, Amend. I  
Conn. Constitution, Article I, Sections 3, 4, 14

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-48d  
Conn. Gen. Stat. § 31-51q  
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Policy adopted: May 10, 2011  
Policy revised: March 11, 2014  
Policy replaced:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

**Personnel**

**Occupational Exposure to Bloodborne Pathogens**

The Middletown Board of Education (the “Board”) is committed to promoting a safe and healthful work environment for its staff. In pursuit of this goal and in accordance with the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”) regulations dealing with “Safe Workplace” standards relating to exposure to bloodborne pathogens, the following will be the procedures of the Board for at risk personnel.

The Board shall establish a written exposure control plan in accordance with the federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with Bloodborne pathogens. Pursuant to these procedures, the school will take reasonably necessary actions to protect its employees from infectious disease and in particular H.I.V. and H.B.V. infection.

The school will provide the training and protective equipment to those persons who are at risk by virtue of their job performance and may come in contact with infectious disease. Furthermore, all Board personnel defined by OSHA and the school who may come in contact with blood and body fluids will be offered the vaccine for the hepatitis B Virus which is a life threatening bloodborne pathogen. The vaccination will be done at no cost to the personnel and is provided as a precaution for personnel safety.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

Policy adopted: September 19, 1995 MIDDLETOWN PUBLIC SCHOOLS Policy  
readopted: June 22, 2004 Middletown, Connecticut Policy  
revised: September 11, 2012  
Policy revised: May 23, 2017  
Policy revised:

## Students

### Bullying Prevention and Intervention

*[Please note: The State DOE strongly encourages districts to have safe school climate plans that are specifically tailored to meet individual school/district needs, in addition to the legislative requirements. For that reason, we encourage districts to utilize Section XI of the model Safe School Climate Plan to highlight the district and school specific initiatives in your district].*

The Middletown Board of Education (the “Board”) is committed to creating and maintaining an educational environment that is physically, emotionally and intellectually safe and thus free from bullying, teen dating violence, harassment and discrimination. In accordance with state law and the Board’s Safe School Climate Plan, the Board expressly prohibits any form of bullying behavior on school grounds; at a school-sponsored or school-related activity, function or program, whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by the Board.

The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school. Discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying is likewise prohibited.

Students who engage in bullying behavior or teen dating violence shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

For purposes of this policy, “**Bullying**” means an act that is direct or indirect and severe, persistent or pervasive, which:

- (1) causes physical or emotional harm to an individual;
- (2) places an individual in reasonable fear of physical or emotional harm; or
- (3) infringes on the rights or opportunities of an individual at school.

Bullying shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

For purposes of this policy, “**Cyberbullying**” means 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.

For purposes of this policy, “**Teen Dating Violence**” means 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.

Consistent with the requirements under state law, the Board authorizes the Superintendent or designee(s), along with the Safe School Climate Coordinator, to be responsible for developing and implementing a Safe School Climate Plan in furtherance of this policy. As provided by state law, such Safe School Climate Plan shall include, but not be limited to provisions which:

- (1) enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified at the beginning of each school year of the process by which students may make such reports;
- (2) enable the parents or guardians of students to file written reports of suspected bullying;
- (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;
- (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section and that the parents or guardians of the student alleged to have committed an act or acts of bullying and the parents or guardians of the student against whom such alleged act or acts were directed receive prompt notice that such investigation has commenced;
- (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;
- (6) include a prevention and intervention strategy for school employees to deal with bullying and teen dating violence;

- (7) provide for the inclusion of language in student codes of conduct concerning bullying;
- (8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation described in subdivision (4), above (A) of the results of such investigation, and (B) verbally or by electronic mail, if such parents' or guardians' electronic mail addresses are known, that such parents or guardians may refer to the plain language explanation of the rights and remedies available under Conn. Gen. Stat. Section 10-4a and 10-4b published on the Internet website of the Board;
- (9) require each school to invite the parents or guardians of a student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and policies and procedures in place to prevent further acts of bullying;
- (10) require each school to invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the meeting required in subdivision (9) above, to discuss specific interventions undertaken by the school to prevent further acts of bullying;
- (11) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;
- (12) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline;
- (13) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying;
- (14) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;
- (15) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;

- (16) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the Board, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, or (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
- (17) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan; and
- (18) require that all school employees annually complete the training described in Conn. Gen. Stat. §§ 10-220a or 10-222j related to the identification, prevention and response to bullying.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivisions (9) and (10) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Any information provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

The Board shall submit its Safe School Climate Plan to the State Department of Education for review and approval. Not later than thirty (30) calendar days after approval by the Department, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

As required by state law, the Board, after consultation with the Connecticut Department of Education and the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative, shall provide on the Board's website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) 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 sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.

As required by state law, the Board shall post on its website the plain language explanation of rights and remedies under Connecticut General Statutes §§ 10-4a and 10-4b, as

developed and provided to the Board by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative.

Legal References:

Public Act 19-166

Public Act 21-95

Conn. Gen. Stat. § 10-145a

Conn. Gen. Stat. § 10-145o

Conn. Gen. Stat. § 10-220a

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222h

Conn. Gen. Stat. § 10-222j

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. § 10-222q

Conn. Gen. Stat. § 10-222r

Conn. Gen. Stat. §§ 10-233a through 10-233f

Policy adopted: January 14, 2003

Policy readopted: June 7, 2005

Policy revised: March 13, 2007

Policy revised: May 12, 2009

Policy revised: May 8, 2012

Policy revised: January 14, 2014

Policy revised: September 9, 2014

Policy revised: December 13, 2016

Policy revised:

MIDDLETOWN PUBLIC SCHOOLS

Middletown, Connecticut

# **DELETE POLICY 4118.234(a)/ POLICY 5141.231(a)**

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

### **Students**

#### **Psychotropic Drug Use**

The Board of Education prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system. For purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a student use psychotropic drugs. The provisions of this section shall not prohibit (A) school health or mental health personnel from recommending that a child be evaluated by an appropriate medical practitioner, (B) school personnel from consulting with such practitioner with the consent of the parents or guardian of such child, (C) the planning and placement team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child’s (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders and includes but is not limited to stimulant medications and anti-depressants.

However, school health or mental health personnel, including school nurses or nurse practitioners, the District Medical Advisors, school psychologists, administrators, school social workers, and school counselors may recommend that a student be evaluated by an appropriate medical practitioner.

Communications between and among school health, mental health personnel and other school personnel pertaining to a child in possible need of a recommendation for a medical evaluation shall be accomplished through the District’s established child study teams and/or the PPT process, in conformity with state and federal special education statutes.

Nothing in this policy shall be construed to prohibit a Planning and Placement Team (PPT) from discussing with parents and/or guardians of a student the appropriateness of consultation with, or evaluation by, medical practitioners with the consent of the parents and/or guardians of a student.

# DELETE POLICY 4118.234(a)/ POLICY 5141.231(a)

## Personnel -- Certified/Non-Certified

### Students

### Psychotropic Drug Use

The Board recognizes that the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to the child shall not, in and of itself, constitute grounds for the Department of Children and families (DCF) to take such student into custody or for any court of competent jurisdiction to order that such student POLICY 4118.234(b)/ POLICY 5141.231(b) Personnel -- Certified/Non-Certified Students Psychotropic Drug Use (continued) be taken into custody by the Department, unless such refusal causes such student to be neglected or abused, as defined in C.G. S. 46b-120

The superintendent of Schools or his/her designee shall promulgate this policy to district staff and parents/guardians of students annually and upon registration of new students.

Legal reference: Connecticut General statutes 10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)  
46b-120 Definitions  
10-76a Definitions. (as amended by PA 00-48)  
10-76b State supervision of special education programs and services  
10-76d duties and powers of boards of education to provide special education programs and services (as amended by PA 97-114 and PA 00-48)  
10-76h Special education hearing and review procedure. Mediation of disputes (as amended by PA 00-48) State board of education regulations  
34 C.F.R. 3000 assistance to States for Education for Handicapped Children.  
American with Disabilities Act, 42 U.S.C. §12101 et seq.  
Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Rehabilitation act of 1973, Section 504, 29 U.S.C. § 795

Policy adopted: November 22, 2005

Policy revised: May 23, 2017

Policy deleted:

MIDDLETOWN PUBLIC SCHOOLS

Middletown, Connecticut

## **Students**

### **Immunizations**

#### **I. Immunization Requirements**

In accordance with state law and accompanying regulations, the \_\_\_\_\_ Public Schools (the “District”) requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the District requires each child to be vaccinated against meningococcal disease. The District further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

By January 1 of each year, children aged 24-59 months enrolled in the District’s preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District’s preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

- (1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process
  - (A) under guidelines and schedules specified by the Commissioner of Public Health; or
  - (B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from

the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or

- (2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Section 7 of Public Act No. 21-6, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or
- (3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
- (4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or
- (5) in the case of pertussis, has passed such child's sixth birthday.

## **II. Exemptions Based on Religious Beliefs**

### **A. Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021**

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and
2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and
2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and
3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and
2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but
3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

**shall comply** with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

In accordance with state law, the \_\_\_\_\_ Board of Education (“Board”) and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child’s residence.

The District designates **[insert name of responsible staff member]** as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: [https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization\\_Requirements.pdf](https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf).

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference:        Connecticut General Statutes  
                                 § 10-204a     Required immunizations  
                                 § 10-204c     Immunity from liability  
                                 Public Act No. 21-6, “An Act Concerning Immunizations”  
  
                                 Regulations of Connecticut State Agencies  
                                 § 10-204a-2a Adequate Immunization

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine*, June 25, 2010.

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.

State Department of Education, *Guidance Regarding Public Act 21-6, “An Act Concerning Immunizations,”* May 25, 2021.

Policy adopted: December 8, 2020  
Policy revised:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut



## **Students**

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, Middletown Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

If the parent/guardian of a student disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of his/her child, the parent/guardian has a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or 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  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111

Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact Director of Pupil Services and Special Education, Section 504 Coordinator, Middletown Public Schools, 311 Hunting Hill Avenue, Middletown, CT 06457.

Legal References:

29 U.S.C. §§ 705, 794  
34 C.F.R. Part 104  
42 U.S.C. § 12101 et seq.  
28 C.F.R. Part 35

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

*Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19, 2012)

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Policy revised:

MIDDLETOWN PUBLIC SCHOOLS  
Middletown, Connecticut

## 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 (the “District”) 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”) and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. 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 Title IX, 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 Connecticut law or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX and Connecticut law (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 under Title IX** 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).

**Sexual harassment under Connecticut law** means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student’s ability to participate in or benefit from a school’s educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

### 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), which training shall include but need not be limited to, 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 and Connecticut law, 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.

The Board’s Title IX Coordinator is **Marco Gaylord, Chief of Operations**. 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 Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX

Coordinator. Students 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).

Students 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: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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)  
Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

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MIDDLETOWN PUBLIC SCHOOLS

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Middletown, Connecticut

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