



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



August 25, 2022

Mr. Craig Cooke, Ph.D.
Superintendent of Schools
Madison Public Schools
Madison, CT 06443

Dear Dr. Cooke:

The State Department of Education has an ongoing responsibility to monitor educational programs for compliance with federal and state civil rights laws in an effort to ensure that all students are served equitably. The Civil Rights Compliance Review process is one of the Department's vehicles for fulfilling that responsibility as well as ensuring that all students achieve at high levels, and that our schools are welcoming and supportive learning environments for all students. This is a federal requirement through the United States Department of Education Office for Civil Rights. Federal civil rights authorities specifically require that we review compliance under Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100), Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106), Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104), Title II of the Americans with Disabilities Act of 1990 (28 C.F.R. Part 35), and the Guidelines for Eliminating Discrimination on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 C.F.R. Part 100, Appendix B).


Enclosed is the letter of findings from the Civil Rights Compliance Review that was conducted by the State Department of Education. The letter of findings includes any findings from both types of visits: an onsite review and a facilities review. The State Department of Education has completed the reviews and has not identified any compliance issues.

Accordingly, we are closing the compliance review as of the date of this letter. Please keep in mind that the Madison Public School District is a recipient of federal financial assistance from the U.S. Department of Education; therefore, it has an ongoing responsibility to ensure that it remains in compliance with the abovementioned federal civil rights authorities.

On behalf of the State Department of Education, I want to express our appreciation for the cooperation provided by you and your staff to ensure equal access to educational programs for all students.

If you have any questions about the Civil Rights Compliance Review, please contact Dr. Adrian R. Wood at (860) 713-6795 or via e-mail at adrian.wood@ct.gov.

Sincerely,


Irene E. Parisi
Chief Academic Officer

IEP:dfp

CONNECTICUT STATE DEPARTMENT OF EDUCATION

PROGRAM COMPLIANCE REVIEW REPORT

District: Madison

Federal Civil Rights Authorities: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (34 C.F.R. Part 100); Title IX of the Education Amendments of 1972, 20 U.S.C, Sec. 1681 et seq, (34 C.F.R. Part 106); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C Sec. 794, (34 C.F.R. Part 104); Title II of The Americans with Disabilities Act of 1990, 42 U.S.C Sec 12101 et seq., (34 C.F.R. Part 35); Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Programs (34 C.F.R. Part 100, Appendix B)

Site Visited: Daniel Hand High School
Dates of Visits: May 31, 2022, and July 13, 2022

The Civil Rights Compliance review consisted of two types of visits, an onsite review and facilities review. The onsite review at Daniel Hand High School was held on May 31, 2022. Dr. Adrian R. Wood and two consultants from the Connecticut State Department of Education (CSDE) conducted the onsite review pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations found at 34 C.F.R. Part 100, Section 504 and its implementing regulations found at 34 C.F.R. Part 104, and Title II and its implementing regulations found at 28 C.F.R. Part 35, Title IX of the Education Amendments of 1972 and its implementing regulations found at 34 C.F.R. Part 106, and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs and its implementing regulations found at 34 C.F.R. Part 100, Appendix B.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity that receives federal financial assistance. Section 504 prohibits discrimination based on disability in any program or activity that receives federal financial assistance. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in any program and or activity that receives federal financial assistance. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap prohibits discrimination in career education programs based on race, color, national origin, sex, and handicap. As a recipient of federal financial assistance, Daniel Hand High School is subject to the requirements of the following Federal Civil Rights Authorities: Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100), Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106), Title II of The Americans with Disabilities Act of 1990 (28 C.F.R. Part 35), Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104) and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Programs (34 C.F.R. Part 100, Appendix B).

Prior to the onsite review, a preliminary data request was made to the school district. The purpose of this request was for the district to submit evidence to the CSDE that demonstrated its compliance with the following Federal Civil Rights Authorities:

Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100), Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106), Title II of The Americans with Disabilities Act of 1990 (28 C.F.R. Part 35), Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104) and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap (34 C.F.R. Part 100, Appendix B). The review team reviewed the evidence submitted prior to the onsite review visit. After reviewing the submitted evidence, a request for additional evidence was made to the recipient and the recipient was instructed to have that evidence available for the onsite review visit. During the onsite review visit, the review team verified the evidence that was submitted prior to the onsite review visit and reviewed any additional evidence that was requested. The review team also interviewed administrators, teachers, and students.

The facilities review at Daniel Hand High School was held on July 13, 2022. Dr. Adrian R. Wood and another consultant from the CSDE conducted the facilities review pursuant to Section 504 and its implementing regulations found at 34 C.F.R. Part 104, and Title II and its implementing regulations found at 28 C.F.R. Part 35. Section 504 prohibits discrimination based on disability in any program or activity that receives federal financial assistance. Title II prohibits discrimination based on disability in any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, Daniel Hand High School is subject to the requirements of Section 504 and Title II.

Prior to the facilities review on July 13, 2022, Madison Public School District was required to submit an 8½ by 11-inch floor plan for each level of the facility and the site, including the dates of construction and/or substantial alteration.

This Letter of Findings includes the review team's findings from all site visits.

SCHOOL PROFILE

Daniel Hand High School is located in Madison, Connecticut. The approximate student enrollment at Daniel Hand High School is approximately 950 students in Grades 9 through 12. The student body's ethnic enrollment is as follows: 0.06 percent Black or African American, 3.8 percent Asian, 5.0 percent Hispanic, 4.0 percent Two or More Races, and 86.4 percent White.

The building has a principal and 2 assistant principals. The building is supported by 4 twelve-month full-time secretaries and 6 ten-month full-time secretaries. The full-time certified staff consists of 88 full-time teachers, 6 school counselors, a full-time school psychologist and full-time social worker. The noncertified instructional staff consists of 15 full-time paraeducators, a part-time paraeducator and 2 full-time library media center paraprofessionals. The full-time non-instructional staff consists of a full-time nurse and 2 technology specialists.

The building has 47 general classrooms, 8 special education classrooms, 8 computer labs, 4 art rooms, 3 family and consumer science rooms, a student assistance center, video/tv production classroom, advanced computer lab, robotics/engineering classroom, wood shop, band room, chorus/orchestra room, and career center. The athletic facility includes a gym, auxiliary gym, and weight room. The onsite athletic fields include a baseball field, softball field, 4 tennis courts, 2 multi-purpose grass fields, and multi-purpose turf field with a 6-lane track.

COMMENDATIONS

1. The students whom we interviewed represented a fair cross section of the student population and responded openly and honestly to all questions.
2. The school facilities and grounds were very clean and well maintained.

RECOMMENDATIONS

1. Continue providing professional development to faculty and staff on cultural sensitivity and culturally responsive education.
2. Continue implementing different strategies to help educate students about Title IX and the role of the Title IX Coordinator.
3. Continue providing professional development to update faculty and staff on non-discrimination policies and practices, Title IX and Section 504.

SCHOOL VISITS (Onsite Review and Facilities Review)

A. ONSITE REVIEW

The onsite review was conducted pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations found at 34 C.F.R. Part 100, Title IX of the Education Amendments of 1972 and its implementing regulations found at 34 C.F.R. Part 106, Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Programs and its implementing regulations found at 34 C.F.R. Part 100, Appendix B, Section 504 and its implementing regulations found at 34 C.F.R. Part 104, and Title II of The Americans with Disabilities Act of 1990 and its implementing regulations found at 28 C.F.R. Part 35.

Legal Requirements

1. Administrative

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of The Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973 have certain base requirements that recipients are required to meet regarding administrative procedures. Recipients of federal financial assistance are required to have an annual public notice, continuous notification, and designation of a person to coordinate activities under Title IX and Section 504, and a grievance procedure that will allow students an avenue for dealing with discrimination from faculty, fellow students, and administrators. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented both prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

2. Employment

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of The Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973 have certain base requirements that recipients are required to meet regarding employment. Recipients of federal financial assistance are prohibited from engaging in any employment practice, which discriminates against any employee or applicant for employment based on sex, disability, race,

color, or national origin. Specific issues include employment policies, recruitment and selection matters, salary establishment and administration, reasonable accommodation, and overcoming the effects of past discrimination. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented both prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

3. Counseling and Pre-Career and Technical Programs

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of The Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs, have certain base requirements that recipients are required to meet in regarding Counseling and Pre-Career and Technical Programs. Recipients of federal financial assistance are required to ensure equal access for all students into all career and technical education programs. More specifically, recipients must make sure that their counseling for career and technical programs does not include directing or urging any students toward particular courses or programs that are "traditional" for the student's race, color, national origin, English language proficiency, sex, or disability status. Recipients are also responsible for ensuring that services and materials related to counseling and recruitment are free of discrimination and stereotyping in language, content, and illustration. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented both prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

4. Recruitment

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of The Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap, have certain base requirements that recipients are required to meet regarding recruitment. Recipients of federal financial assistance are required to utilize recruitment activities and materials that convey the message that all career and technical programs are open to all students without regard to race, color, national origin, sex, or disability status. Recipients are also responsible for ensuring that limited English language skills are not a barrier to admission and participation in career and technical education programs. In addition, recipients are responsible for ensuring that promotional materials do not include any stereotyping. Furthermore, recipients should make every effort to have recruitment teams, to the extent possible, that represent persons of different races, national origins, sexes, and abilities. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

5. Access and Admissions

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of The Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Programs, have certain base requirements that recipients are required to meet regarding program access and admission.

Recipients of federal financial assistance are responsible for ensuring that their admissions policies, procedures, and criteria do not exclude students from career and technical education programs based on race, color, national origin, sex, or disability. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented both prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

6. Services for Students with Disabilities

Section 504 of the Rehabilitation Act of 1973, Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap, and Title II of The Americans with Disabilities Act of 1990 have certain base requirements that recipients of federal financial assistance are required to meet regarding services for students with disabilities. Section 504 of the Rehabilitation Act of 1973 and Title II of The Americans with Disabilities Act of 1990 are based upon the premise that students with disabilities will be integrated with their non-disabled peers as much as possible. Therefore, recipients of federal financial assistance are required to ensure that they are not denying a qualified person with a disability from any course, program, activity, or benefit. Recipients must also make sure that they are not restricting access for students with disabilities to schools, programs, services, and activities because of architectural barriers, equipment barriers, the need for related aides and services, or the need for auxiliary aids. Lastly, recipients are required to locate students with disabilities who may need support and services to determine eligibility and provide appropriate accommodations to include auxiliary aides. To assess the recipient's compliance with the above-mentioned Federal Civil Rights Authorities, the review team evaluated the evidence presented both prior to the onsite review visit and during the onsite review visit. During the onsite review visit, the review team also interviewed administrators, staff (certified and noncertified), and students.

ONSITE REVIEW FINDINGS

As previously stated, the purpose of the compliance review was to determine the high school's compliance with the Guidelines for Eliminating Discrimination and Denial Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Programs, and the following federal laws and regulations:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based on sex
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination based on disability

Specifically, the scope of the review included the following areas:

1. Administrative Requirements
2. Recruitment, Admissions, and Counseling
3. Accessibility
4. Services for Students with Disabilities
5. Comparable Facilities
6. Work-Study, Cooperative Programs, and Job Placement

The evidence presented included, but was not limited to, interviews with staff and students, and examination of school policies and procedures. Based on the evaluation of the evidence presented to the review team during the onsite review, no compliance issues were identified. Therefore, no additional action is required.

FACILITIES REVIEW

The facilities review was conducted pursuant to Section 504 and its implementing regulations found at (34 C.F.R Part 104), and Title II and its implementing regulations found at (28 C.F.R. Part 35). The regulations implementing Section 504 of the Rehabilitation Act of 1973 (*Section 504*) and the Americans with Disabilities Act (*ADA*) contain general accessibility requirements that apply to facilities, programs, activities, and services covered by these laws.

The regulation implementing *Section 504* at (34 C.F.R. Section 104.21) and the regulation implementing the *ADA* at (28 C.F.R. Section 35.149) similarly state that no person with a disability shall, because a covered entity's facilities are not accessible to or usable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which *Section 504* or the *ADA* applies. The regulations implementing *Section 504* and *ADA* contain two standards for determining whether a covered entity's programs, activities, and services are accessible to individuals with disabilities.

One standard applies to existing facilities; the other covers new construction and alterations. The applicable standard depends upon the date of construction and/or alteration of the facility.

Under *Section 504* at (34 C.F.R. Section 104.22), buildings constructed prior to June 23, 1977, which is the effective date of the *Section 504* regulation, are considered "existing facilities" and must meet a program accessibility standard, while under (34 C.F.R. 104.23), facilities constructed after that date and parts of "existing facilities" altered after that date are deemed "new construction" and must meet a facility accessibility standard. Under the *ADA*, the effective date of its implementing regulation, January 26, 1992, is the determinant whether a building must meet the "existing facilities" program accessibility standard or the "new construction" facility accessibility standard.

For "existing facilities," the legal standards under *Section 504* and the *ADA* are essentially the same. Neither requires that each "existing" facility or part of such facility be accessible to and usable by persons with mobility disabilities. Instead, the legal standards focus on the specific programs, activities, and services offered in an "existing" facility and require that each program, activity, or service, when viewed in its entirety, be accessible and usable. So long as each program, activity, or service is accessible and usable in one location, the "program accessibility" standards of *Section 504* and the *ADA* generally are satisfied, unless multiple accessible locations are needed for persons with disabilities to participate effectively in the program, activity, or service. The *Section 504* and *ADA* regulations also specifically provide that "program accessibility" for an "existing" facility, may be by nonstructural means of redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, or any other methods that result in making its programs or activities accessible to handicapped persons. Structural changes are only required when there is no other feasible way to make a program, activity, or service accessible and usable. To determine the accessibility and usability of programs, activities, and services in "existing facilities," the CSDE generally uses the

Uniform Federal Accessibility Standards (UFAS) as a guide to assess the degree to which certain physical barriers may render the program, activity, or service inaccessible or unusable. The CSDE does not require strict compliance with UFAS but uses UFAS to determine whether a particular feature or features of the “existing facility” would effectively render the program, activity, or service inaccessible to or unusable by persons with disabilities.

By contrast, for buildings and parts of buildings considered “new construction,” the regulations implementing both *Section 504* and the *ADA* require that the buildings or parts of buildings themselves (not just the programs, activities, and services offered in the buildings) be accessible to and usable by persons with disabilities. The *Section 504* regulation at (34 C.F.R. 104.23(c)) further provides that facilities constructed or modified after January 18, 1991, must conform strictly to the requirements of UFAS. Prior to January 18, 1991, the *Section 504* regulation stated that “new construction” commenced after June 23, 1977, had to conform to the American National Standards Institute standards (ANSI 1971).

Where a building or portion of a building is constructed or modified between the effective dates of the *Section 504* and *ADA* regulations, the building or alteration, if it impacts accessibility or usability, is considered “new construction” and must satisfy the facility accessibility standard under *Section 504*, while it is considered an “existing facility” and must satisfy the program accessibility standard under the *ADA*. To the extent that these requirements may be inconsistent, the *ADA* regulation at (28 C.F.R. 35.103) provides that the *ADA* regulation should not be construed to apply a lesser standard than the requirement under *Section 504*.

Thus, the CSDE generally applies the more demanding *Section 504* facility accessibility standard for “new construction” in such circumstances. The *Section 504* regulation at (34 C.F.R. Section 104.22(f)) further requires that recipients adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities.

FACILITIES REVIEW FINDINGS


If the construction or alteration began on or before June 23, 1977, it is considered an existing facility. The program, when viewed in its entirety, must be “readily accessible” as required by (34 C.F.R. Section 104.22). Compliance may be by means of redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of (34 C.F.R. Section 104.23), or any other methods that result in making its programs or activities accessible to handicapped persons. Areas that have been altered after June 23, 1977, are considered “new construction.” The requirement for “new construction” is that building or parts of the building themselves (not just the programs, activities, and services offered in the buildings) are accessible to and usable by persons with disabilities. UFAS or the 1990 *ADA* standards apply if the construction or alteration initiated between January 27, 1992 and September 14, 2010; UFAS, the 1990 *ADA* Standards, or the 2010 *ADA* Standards apply to construction or alteration initiated between September 15, 2010 and March 14, 2012; and the 2010 *ADA* Standards apply if physical construction or alteration commence on or after March 15, 2012.

Daniel Hand High School was built in 2003. UFAS was the standard that was used for the building project. Based on the evaluation of the evidence presented to the review team during the facilities review, no compliance issues were identified during the review. Therefore, no additional action is required.

Report prepared by:

Report reviewed by:

Dr. Adrian R. Wood
Dr. Adrian R. Wood, Education Consultant
Turnaround Office


Mrs. Irene Parisi, Chief Academic Officer

August 24, 2022
Date

August 26, 2022
Date

Connecticut State Department of Education