

Policy Committee Meeting
Tuesday, February 25, 2025 5:30 PM

Meeting Room A, Town Campus
10 Campus Drive
Madison, CT 06443

Meeting Agenda

I. Policies for Rescission:

- 6090.1 Home Visits by Social Workers
- 7200 Indoor Air Quality

II. Policies for Review:

- 4116.1 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel)
- 5120.5 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students)
- 5220 Improve Completion Rates of the FAFSA
- 6040 Weighted Grading & Calculation of Grade Point Averages - NEW

The rescind

- 5128 Rank in Class

- 6080 IDEA – NEW

Then rescind

- 6080.1 Educating Students with Special Needs
- 6090.10 Individualized Education Programs / Special Education Programs
- 6110.1.3.1 Parent Conferences
- 6114.1 Fire Drills/ Crisis Response Drills
- 6146 Graduation Requirements
- 7120 Hazardous Materials in Schools

III. Public Comment

The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting the Town ADA/Human Resources Director, Debra Ferrante, at 203-245-6310 or by email at ferranted@madisonct.org at least five (5) business days prior to the meeting.

Policy

February 25, 2025

Rescind

6090.1 Home Visits by Social Workers

This policy is not mandatory and may be repealed. We note, however, that the policy was recently adopted and thus the Board may wish to retain it. If retained, we recommend legal review and revision. The delivery of special education services, including home visits, must go through the student's PPT. We further recommend revising the title of the policy, as it appears to relate to home visits by special services staff, rather than only social workers.

7200 Indoor Air Quality

This policy is not mandatory and may be repealed. This topic is covered by state and federal regulations.

Review

4116.1 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel) & 5120.5 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students)

Following a Federal Court ruling that vacated the 2024 Title IX Regulations which include the Final Rule*, Districts now need to operate under the 2020 Regulations. The board is being asked to repeal and replace the policies we adopted in the fall of 2024 with the 2020 versions of the policy. ***Recommend one read only***

**The Final Rule redefined sex-based harassment and broadened the scope of sex discrimination to include sex stereotyping, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The policy and administrative regulations were previously revised in accordance with the Final Rule, including new definitions and new grievance procedures.*

5220 Improve Completion Rates of the FAFSA

Pursuant to legislation passed in 2023, beginning with the graduating class of 2025, students were required to meet certain requirements related to the FAFSA in order to graduate. Public Act 24-45 delays these requirements until the graduating class of 2027, and we have revised this policy to reflect this change.

#6040 Weighted Grading & Calculation of Grade Point Averages - NEW

We have revised this policy to comply with Public Act 24-47, which makes changes to the requirements for the Connecticut Automatic Admissions Program (“CAAP”). Previously, class rank percentile was a determining factor for eligibility in the CAAP. Instead, the Act now establishes that a students’ unweighted grade point average is a determining factor for eligibility. While not in the Act, on its [website](#), the CAAP also has a weighted GPA option.

Then rescind

5128 Rank in Class

We recommend repealing this policy and adopting the model policy concerning Weighted Grading and Calculation of Grade Point Averages. State law now requires boards of education to have a policy identifying whether it uses weighted grades for purposes of calculating GPA and a description of how GPAs are calculated. The Board's current process for determining class rank can be included in this new policy, thereby allowing all relevant information to be located in one policy. We recommend including this new policy in series 6000.

#6080 IDEA – NEW

The Shipman and Goodwin Model policy will replace the following two policies.

6080.1 Educating Students with Special Needs

This policy is outdated and we recommend repeal. The IDEA and state law have been revised numerous times since the passage of this policy and now include detailed procedures over and above those identified in this policy. We recommend that the District maintain a special education procedures manual to address all of the federal and state requirements. Further, policy 6090.10 duplicates the content of this policy.

6090.10 Individualized Education Programs / Special Education Programs

We recommend that special education and related services requirements and procedures be included in a Special Education Procedures Manual, rather than a Board policy. The current policy requires legal review and revision. It appears to be a selection of aspects of the IDEA requirements, although it is difficult to follow in several places. The policy also includes inaccurate and outdated information, and also does not include all of the IDEA and state law requirements concerning the provision of special education. If the Board wishes to maintain a policy concerning the IDEA, we recommend a brief policy statement and to maintain a more comprehensive procedures manual that is developed and revised by the special services department. It will be quite difficult to include all requirements in a policy and to keep that policy accurately updated.

6110.1.3.1 Parent Conferences

We recommend that the Board repeal this policy and adopt the S&G Model Policy Parent Communication. The laws concerning parent-teacher communication and conferences has been revised significantly since this policy was passed in 1998)

6114.1 Fire Drills/ Crisis Response Drills

This policy is not mandatory but Dr. Cooke would like to keep it. The policy has been revised to comply with current law. We further recommend moving this policy to the 1000 series.

6146 Graduation Requirements

We revised this policy to reflect a number of changes made by Public Act 24-45 to the state's minimum graduation requirements in a variety of areas. Under prior law, a one-credit

mastery- based diploma assessment was specifically listed as an optional requirement for high school graduation. The Act removes reference to the mastery-based diploma assessment in the law regarding minimum Connecticut graduation requirements. Therefore, we have removed reference to the mastery-based diploma assessment in the model policy. However, boards of education still have the discretion to require credits beyond the minimum requirements identified in the law, so boards may still require students to complete a mastery-based diploma assessment as a local graduation requirement.

In 2023, state law was amended to require students graduating in 2027 and beyond to complete one-half credit in personal financial management and financial literacy, which could be counted toward the humanities or as an elective credit, in order to graduate. The Act now also permits the personal financial management and financial literacy credit requirement to count towards students' nine science, technology, engineering and mathematics credit requirements.

Also in 2023, the law was amended to require that, beginning with the graduating class of 2025, students meet certain requirements related to the FAFSA in order to graduate. The Act delays these requirements until 2027 and this policy has been updated to reflect this change.

We also revised the policy to reflect statutory updates to the physical education and the optional community service graduation requirements. Lastly, we made other technical revisions to this policy, including the elimination of outdated policy language. ** Move policy to 5000 series*

7120 Hazardous Materials in Schools

The Board maintains policy 7120 Hazardous Materials in Schools. The Board may wish to replace this policy with the S&G model policy Pesticide Application on School Property for purposes of consistency. If not, we recommend substantive legal review of the Board's current policy to ensure it complies with current law. **The administration would like to adopt the model policy and move it to the 1000 series*

Home Visits by Social Workers

As a function of the role of the Student Services Department, home visits may be utilized, under the direction of the school principal or special education administration, as a part of the instructional program of the Madison Public Schools. Special education and student services staff, in cooperation with families, may schedule a home visit to assist in determining how best to meet the educational needs of the student and his / her families relative to making the school experience more meaningful.

Several goals underlie the home visitation program. Such goals are as follows:

- to develop a closer working relationship between school and home because effective school-home communication is important and is a two-way process;
- to develop a better understanding of the student by consideration of his home environment because parents, as well as the school, have a responsibility for education;
- to ease the reluctance on the part of some families to contact the school;
- to help the families better understand the programs and goals of the school because the home has a direct influence on the student in school;
- to exchange general and specific information that will benefit the student at home and at school;
- to involve the family, teacher, and child in jointly establishing goals for the child; and
- to provide consultation for families in order to generalize goals which are being worked on in schools.

Special education and student services staff may include, but not be limited to, special education teachers, Board Certified Behavior Analysts, Registered Behavior Technicians, social workers, school psychologists, guidance counselors and paraeducators.

Date of Adoption: May 23, 2000
Date of Revision: June 4, 2019

#7200

Indoor Air Quality

The Board of Education recognizes that the maintenance of indoor air quality essential to the creation and maintenance of an appropriate learning environment.

Indoor Air Quality in Existing Facilities

The Superintendent or designee shall implement an indoor air quality program that provides for ongoing maintenance and facility reviews, in accordance with all applicable state statutes, necessary for the maintenance and improvement of the indoor air quality of all Madison Public Schools' facilities and shall develop regulations to implement this program. The Board directs the Superintendent to establish an indoor air quality committee to increase staff and student awareness of facets of the environment that affect the health of the occupants of school facilities including, but not limited to, air quality, water quality, and the presence of radon. Membership on the committee shall be in accordance with state statute.

The District shall report biennially, in a manner as required, to the Commissioner of Education on the conditions of its facilities, its long range facilities program, its air quality program, and green cleaning program.

Prior to January 1, 2008 and every five (5) years thereafter, for any district facility that has been constructed, extended, renovated or replaced on or after January 1, 2003, the Board of Education shall provide for a uniform inspection and evaluation program of indoor air quality within such buildings. The inspection and evaluation program shall include, but not be limited to, a review, inspection and / or evaluation that addresses all aspects of indoor air quality set forth in Conn. Gen. Stat. sec. 10-220 (d). The results of this evaluation shall be made available for public inspection at a regularly scheduled board meeting and also posted on the District's website

Heating, ventilation, and air conditioning systems shall be maintained in accordance with the prevailing maintenance standards at the time of installation or renovation. The Board directs the Superintendent or designee to ensure that such systems shall be operated continuously during the hours in which students or school personnel occupy school facilities except in the case of scheduled or emergency maintenance, or when it can be demonstrated that the quantity of outdoor air supplied by a non-mechanically driven air supply system meets the applicable requirement for air changes per hour.

Records shall be maintained on the maintenance of the district's heating, ventilation, and air conditioning systems for a period of not less than five (5) years

Indoor Air Quality in New or Renovated Facilities

In order to secure appropriate indoor air quality in District schools, whenever new facilities are constructed or existing facilities are renovated, the Board of Education shall require the architect or design professional responsible for the construction project to address all site assessments and indoor air quality requirements as set forth in state statute.

(c.f. #7120 Hazardous Material in Schools)

Legal reference:

- 10-220(d) Duties of boards of education, (as amended by P.A. 09-81)
- 10-231(f) Indoor air quality committees
- 10-282(19) Definitions
- 10-283 Applications for grants for school building projects
- 10-286(a)(9) Computation of school building project grants
- 10-291 Approval of plans and site. Expense limit.
- 10-292 Review of final plans by Commissioner of Education. Exceptions; role of local officials.
- 10-231g Green Cleaning Program at schools: Definitions, Implementation, Notice.
- P.A. 03-220 An Act Concerning Indoor Air Quality in Schools

Date of Adoption: January 20, 2004

Date of Revision: April 1, 2014

#4116.1

Sex Discrimination and Sexual Harassment

It is the policy of the Madison Board of Education (the “Board”) for the Madison 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. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

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”), Title VII of the Civil Rights Act of 1964 (“Title VII”), 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 all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate (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 Title VII, Connecticut law, and/or another Board policy.

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

33
34 **Sex discrimination** occurs when an employer refuses to hire, disciplines or discharges any
35 individual, or otherwise discriminates against an individual with respect to his or her
36 compensation, terms, conditions, or privileges of employment on the basis of the individual's
37 sex. Sex discrimination also occurs when a person, because of the person's sex, is denied
38 participation in or the benefits of any education program or activity receiving federal financial
39 assistance.

40
41 **Sexual harassment** under Title IX means conduct on the basis of sex that satisfies one or more
42 of the following:

43
44 (1) An employee of the Board conditioning the provision of an aid, benefit, or service of
45 the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro*
46 *quo*);

47
48 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
49 and objectively offensive that it effectively denies a person equal access to the Board's
50 education programs or activities; or

51
52 (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as
53 defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C.
54 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

55
56 **Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances,
57 requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

58
59 (1) Submission to such conduct is made either explicitly or implicitly a term or condition
60 of an individual's employment;

61
62 (2) Submission to or rejection of such conduct by an individual is used as the basis for
63 employment decisions affecting such individual; or

64 (3) Such conduct has the purpose or effect of unreasonably interfering with an
65 individual's work performance or creating an intimidating, hostile, or offensive working
66 environment.

67

68 Reporting Sex Discrimination or Sexual Harassment

69

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

75

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

81

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

85

86 The Madison Public Schools administration (the "Administration") shall provide training to Title
87 IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal
88 resolution process (as set forth in the Administrative Regulations), which training shall include,
89 but not be limited to the definition of sex discrimination and sexual harassment, the scope of the
90 Board's education program and activity, how to conduct an investigation and implement the
91 grievance process, and how to serve impartially, including by avoiding prejudgment of the facts
92 at issue, conflicts of interest, and bias. The Administration shall make the training materials used
93 to provide these trainings publicly available on the Board's website. The Administration shall
94 also periodically provide training to all Board employees on the topic of sex discrimination and

95 sexual harassment under Title IX, Title VII, and Connecticut Law, which shall include but not be
96 limited to when reports of sex discrimination and/or sexual harassment must be made. The
97 Administration shall distribute this Policy and the Administrative Regulations to employees,
98 union representatives, students, parents and legal guardians and make the Policy and the
99 Administrative Regulations available on the Board's website to promote an environment free of
100 sex discrimination and sexual harassment.

101
102 The Board's Title IX Coordinator is the Director of Special Education. Any individual may
103 make a report of sex discrimination and/or sexual harassment to any Board employee or directly
104 to the Title IX Coordinator as follows:

105
106 ***Director of Special Education***
107 ***10 Campus Drive***
108 ***Madison, CT 06443***
109 ***203-245-6341***

110
111 Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in
112 receipt of a formal complaint, shall immediately forward such information to the Title IX
113 Coordinator. Board employees may also make a report of sexual harassment and/or sex
114 discrimination to the U.S. Department of Education:

115
116 Office for Civil Rights, Boston Office,
117 U.S. Department of Education, 8th Floor,
118 5 Post Office Square
119 Boston, MA 02109-3921
120 Telephone: 617-289-0111

121
122 Employees may also make a report of sexual harassment and/or sex discrimination to:

123
124 Connecticut Commission on Human Rights and Opportunities
125 450 Columbus Boulevard
126 Hartford, CT 06103-1835
127 Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

128
129
130 **Legal References:**

131
132 Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

- 133 Equal Employment Opportunity Commission Policy Guidance on Current Issues
134 of Sexual Harassment (N-915.050), March 19, 1990.
- 135 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
- 136 Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
- 137 Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
- 138 Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut
- 139 General Statutes § 46a-60 - Discriminatory employment practices prohibited.
- 140 Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment
- 141 Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or
142 expression or marital status prohibited
- 143 Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207
- 144
- 145
- 146 Date of Adoption: August 25, 2020
- 147 Date of Revision: March 16, 2021
- 148 Date of Revision: October 12, 2021
- 149

Regulation #4116.1

Sex Discrimination and Sexual Harassment

It is the policy of the Madison Board of Education (the “Board”) for the Madison 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

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 District’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). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

47 2. Submission to or rejection of such conduct by an individual is used as the basis for
 48 employment decisions affecting such individual; or

49
 50 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's
 51 work performance or creating an intimidating, hostile, or offensive working environment.
 52

53 Although not an exhaustive list, the following are other examples of conduct prohibited by the
 54 Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment
 55 (Personnel):

56
 57 1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs,
 58 touches, or kisses;

59
 60 2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks
 61 or noises;

62
 63 3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;

64
 65 4. The threat or suggestion that continued employment advancement, assignment or
 66 earnings depend on whether or not the employee will submit to or tolerate harassment;

67
 68 5. Circulating, showing, or exchanging emails, text messages, digital images or websites of
 69 a sexual nature;

70
 71 6. Using computer systems, including email, instant messaging, text messaging, blogging
 72 or the use of social networking websites, or other forms of electronic communications,
 73 to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of
 74 Sex Discrimination and Sexual Harassment (Personnel).
 75

76 **NOTICE OF THE TITLE IX COORDINATOR**

77
 78 The District's Title IX Coordinator is the Director of Special Education. Any individual may
 79 make a report of sex discrimination and/or sexual harassment to any District employee or directly
 80 to the Title IX Coordinator using any one, or multiple, of the following points of contact:
 81

82 ***Director of Special Education***
 83 ***10 Campus Drive***
 84 ***Madison, CT 06443***
 85 ***2303-245-6341***
 86

87 Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in
 88 receipt of a formal complaint, shall immediately forward such information to the Title IX
 89 Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII
 90 and Connecticut law with respect to sexual harassment and/or sex discrimination and is an
 91 available resource to anyone seeking information or wishing to file a formal complaint of same.
 92 When a student, District employee, or other participant in the District's programs and activities

93 feels that such person has been subjected to discrimination on the basis of sex in any District
 94 program or activity, including without limitation being subjected to sexual harassment, such
 95 person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law
 96 grievance systems set forth herein to bring concerns forward for the purpose of obtaining a
 97 prompt and equitable resolution.

98 **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

99
 100 The federal regulations implementing Title IX require the adoption and publication of two
 101 separate grievance systems: a grievance process for complaints of sex discrimination involving
 102 allegations of sexual harassment and grievance procedures for complaints of sex discrimination
 103 that are not sexual harassment. Accordingly, the Administration will process any complaints of
 104 sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the
 105 **grievance process** set forth in Section I of these regulations. The Administration will process
 106 any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance**
 107 **procedures** set forth in Section II of these regulations.
 108

109 The District will keep confidential the identity of any individual who has made a report or
 110 complaint of sex discrimination, including any individual who has made a report or filed a formal
 111 complaint of sexual harassment, any complainant, any individual who has been reported to be the
 112 perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted
 113 by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry
 114 out the purposes of these Administrative Regulations, including the conduct of any investigation,
 115 hearing, or judicial proceeding arising from these Administrative Regulations.
 116

117 The obligation to comply with Title IX is not obviated or alleviated by the FERPA.
 118

119 **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL** 120 **HARASSMENT UNDER TITLE IX**

121 A. Definitions

- 122 • **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or
 123 decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual
 124 bias includes, but is not limited to, demonstrated personal animus against the respondent
 125 or the complainant and/or prejudice of the facts at issue in the investigation.
 126
- 127 • **Complainant** means an individual who is alleged to be the victim of conduct that could
 128 constitute sexual harassment.
- 129 • A **conflict of interest** occurs when it is proven that the Title IX Coordinator,
 130 investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests
 131 that affected the outcome of the investigation.
 132
- 133 • **Consent** means an active, clear and voluntary agreement by a person to engage in sexual
 134 activity with another person (also referred to hereafter as “affirmative consent”).

135 For the purposes of an investigation conducted pursuant to these Administrative
136 Regulations, the following principles shall be applied in determining whether consent for
137 sexual activity was given and/or sustained:

138 A. Affirmative consent is the standard used in determining whether consent to engage in
139 sexual activity was given by all persons who engaged in the sexual activity.

140 B. Affirmative consent may be revoked at any time during the sexual activity by any
141 person engaged in the sexual activity.

142 C. It is the responsibility of each person engaging in sexual activity to ensure that the
143 person has the affirmative consent of all persons engaged in the sexual activity to
144 engage in the sexual activity and that the affirmative consent is sustained throughout
145 the sexual activity.

146 D. It shall not be a valid excuse to an alleged lack of affirmative consent that the
147 respondent to the alleged violation believed that the complainant consented to the
148 sexual activity:

149 (i) because the respondent was intoxicated or reckless or failed to take
150 reasonable steps to ascertain whether the complainant affirmatively consented, or

151 (ii) if the respondent knew or should have known that the complainant was
152 unable to consent because such individual was unconscious, asleep, unable to
153 communicate due to a mental or physical condition, unable to consent due to the
154 age of the individual or the age difference between the individual and the
155 respondent, or incapacitated due to the influence of drugs, alcohol or medication.

156 E. The existence of a past or current dating or sexual relationship between the
157 complainant and the respondent, in and of itself, shall not be determinative of a
158 finding of consent.

159 • For purposes of investigations and complaints of sexual harassment, **education program**
160 **or activity** includes locations, events, or circumstances over which the Board exercises
161 substantial control over both the respondent and the context in which the sexual
162 harassment occurs.

163 • **Employee** means (A) a teacher, substitute teacher, school administrator, school
164 superintendent, guidance counselor, school counselor, psychologist, social worker, nurse,
165 physician, school paraprofessional or coach employed by the Board or working in a
166 public elementary, middle or high school; or (B) any other individual who, in the
167 performance of the individual's duties, has regular contact with students and who
168 provides services to or on behalf of students enrolled in a public elementary, middle or
169 high school, pursuant to a contract with the Board.

170
171 • **Formal complaint** means a document filed by a complainant or signed by the Title IX
172 Coordinator alleging sexual harassment (as defined under Title IX) against a respondent
173 and requesting that the Administration investigate the allegation of sexual harassment. A
174 "document filed by a complainant" means a document or electronic submission that

contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual

222 arising from the allegations of sexual harassment justifies removal. If a respondent is
223 removed on an emergency basis, the District shall provide the respondent with notice
224 and an opportunity to challenge the decision immediately following the removal.

225 C. Formal Complaint and Grievance Process

- 226
- 227 1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or
228 by electronic mail, by using the contact information listed for the Title IX
229 Coordinator. At the time of filing a formal complaint, a complainant must be
230 participating in or attempting to participate in the District's education programs or
231 activity. A formal complaint may be signed by the Title IX Coordinator. If the formal
232 complaint being filed is against the Title IX Coordinator, the formal complaint should
233 be filed with the Superintendent. If the formal complaint being filed is against the
234 Superintendent, the formal complaint should be filed with the Board Chair, who will
235 then retain an independent investigator to investigate the matter.
236
- 237 2. The District may consolidate formal complaints as to allegations of sexual harassment
238 against more than one respondent, or by more than one complainant against one or
239 more respondents, or by one party against the other party, where the allegations of
240 sexual harassment arise out of the same facts or circumstances. If possible, formal
241 complaints should be filed within ten (10) school days of the alleged occurrence in
242 order to facilitate the prompt and equitable resolution of such claims. The District will
243 attempt to complete the formal grievance process within ninety (90) school days of
244 receiving a formal complaint. This timeframe may be temporarily delayed or
245 extended in accordance with Subsection G of this Section.
246
- 247 3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already
248 discussed the availability of supportive measures with the complainant, the Title IX
249 Coordinator will promptly contact the complainant to discuss the availability of such
250 measures and consider the complainant's wishes with respect to them. The Title IX
251 Coordinator or designee may also contact the respondent, separately from the
252 complainant, to discuss the availability of supportive measures for the respondent.
253 The District will maintain as confidential any supportive measures provided to the
254 complainant or respondent, to the extent that maintaining such confidentiality would
255 not impair the ability of the District to provide such supportive measures.
256
- 257 4. Within ten (10) school days of receiving a formal complaint, the District will provide
258 the known parties with written notice of the allegations potentially constituting sexual
259 harassment under Title IX and a copy of this grievance process. The written notice
260 must also include the following:
261
- 262 i. The identities of the parties involved in the incident, if known;
 - 263 ii. The conduct allegedly constituting sexual harassment as defined above;
 - 264 iii. The date and the location of the alleged incident, if known;
 - 265 iv. A statement that the respondent is presumed not responsible for the
266 alleged conduct and that a determination regarding responsibility is made
267 at the conclusion of the grievance process;

- 268 v. A statement that the parties may have an advisor of their choice, who may
269 be, but is not required to be, an attorney, and may inspect and review
270 evidence; and
271 vi. A statement of any provision in the District's policies that prohibits
272 knowingly making false statements or knowingly submitting false
273 information during the grievance process.
274

275 If, in the course of an investigation, the District decides to investigate allegations about
276 the complainant or respondent that are not included in the written notice, the District must
277 provide notice of the additional allegations to the parties whose identities are known.
278

- 279 5. The parties may have an advisor of their choice accompany them during any grievance
280 proceeding at which the party's attendance is required. The District may, in its discretion,
281 establish certain restrictions regarding the extent to which an advisor may participate in
282 the proceedings. If any such restrictions are established, they will be applied equally to
283 all parties.
284
- 285 6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the
286 formal complaint, designate a school administrator to promptly investigate the formal
287 complaint, or dismiss the formal complaint in accordance with Subsection F of this
288 Section. The standard of evidence to be used to determine responsibility is the
289 preponderance of the evidence standard (i.e., more likely than not). The burden of proof
290 and the burden of gathering evidence sufficient to reach a determination regarding
291 responsibility rest on the District and not on the parties.
292
- 293 7. The parties will be given an equal opportunity to discuss the allegations under
294 investigation with the investigator(s) and are permitted to gather and present relevant
295 evidence. This opportunity includes presenting witnesses, including fact and expert
296 witnesses, and other inculpatory and exculpatory evidence. Credibility determinations
297 will not be based on a person's status as a complainant, respondent, or witness. The
298 District will provide to a party whose participation is invited or expected (including a
299 witness) written notice of the date, time, location, participants, and purpose of all
300 hearings (if applicable), investigative interviews, or other meetings, with sufficient time
301 for the party to prepare to participate.
302
- 303 8. Both parties will be given an equal opportunity to inspect and review any evidence
304 obtained as part of the investigation that is directly related to the allegations raised in the
305 formal complaint, including the evidence upon which the District does not intend to rely
306 in reaching a determination regarding responsibility and inculpatory or exculpatory
307 evidence whether obtained from a party or other source, so that each party can
308 meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to
309 completion of the investigative report, the District will send to each party and the party's
310 advisor, if any, the evidence subject to inspection and review in an electronic format or a
311 hard copy, and the parties will have ten (10) school days to submit a written response,
312 which the investigator(s) will consider prior to completion of the investigative report, as
313 described in Paragraph 9 of this Subsection.
314

- 315 9. The investigator(s) will create an investigative report that fairly summarizes relevant
316 evidence. The investigator(s) will send the investigative report, in an electronic format or
317 hard copy, to each party and to each party's advisor for their review and written response
318 at least ten (10) school days prior to the time a determination regarding responsibility is
319 made.
320
- 321 10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or
322 third-party contractor and who shall be someone other than the Title IX Coordinator or
323 investigator(s). If the formal complaint filed is against the Superintendent, the Board
324 Chair shall appoint the decision-maker, who shall be someone other than the Title IX
325 Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not
326 discuss the investigation's facts and/or determination while the formal complaint is
327 pending. The decision-maker(s) will afford each party the opportunity to submit written,
328 relevant questions that a party wants asked of any party or witness, provide each party
329 with the answers, and allow for additional, limited follow-up questions from each party.
330 Questions and evidence about the complainant's sexual predisposition or prior sexual
331 behavior are not relevant, unless such questions and evidence about the complainant's
332 prior sexual behavior are offered to prove that someone other than the respondent
333 committed the conduct alleged by the complainant, or if the questions and evidence
334 concern specific incidents of the complainant's prior sexual behavior with respect to the
335 respondent and are offered to prove consent. The decision-maker(s) will explain to the
336 party proposing the questions any decisions to exclude a question as not relevant.
337
- 338 11. The decision-maker(s) will issue a written determination regarding responsibility. To
339 reach this determination, the decision-maker must apply the preponderance of the
340 evidence standard. The written determination will include: (1) identification of the
341 allegations potentially constituting sexual harassment; (2) a description of the procedural
342 steps taken from the receipt of the formal complaint through the determination, including
343 any notifications to the parties, interviews with parties and witnesses, site visits, methods
344 used to gather other evidence, and hearings held; (3) findings of fact supporting the
345 determination; (4) conclusions regarding the application of the District's code of conduct
346 to the facts; (5) a statement of, and rationale for, the result as to each allegation, including
347 a determination regarding responsibility, any disciplinary sanctions the District will
348 impose on the respondent, and whether remedies designed to restore or preserve equal
349 access to the District's education program or activity will be provided by the District to
350 the complainant; and (6) the District's procedures and permissible bases for the
351 complainant and respondent to appeal. If the respondent is found responsible for violating
352 the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual
353 Harassment (Personnel), the written determination shall indicate whether the respondent
354 engaged in sexual harassment as defined by the Board's Policy and these Administrative
355 Regulations. The written determination will be provided to both parties simultaneously.
356
- 357 12. Student respondents found responsible for violating the Board's Policy regarding the
358 Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to
359 discipline up to and including expulsion. Employee respondents found responsible for
360 violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual
361 Harassment (Personnel) may be subject to discipline up to and including termination of

362 employment. Other respondents may be subject to exclusion from the District's
363 programs, activities and/or property. In appropriate circumstances, the District may make
364 a criminal referral. Remedies will be designed to restore or preserve equal access to the
365 District's education programs or activities.

- 366
367 13. After receiving notification of the decision-maker(s)' decision, or after receiving
368 notification that the District dismissed a formal complaint or any allegation therein, both
369 complainant and respondent may avail themselves of the appeal process set forth in
370 Section E of this Section.

371
372 D. Informal Resolution

373
374 At any time prior to reaching a determination regarding responsibility, but only after the
375 filing of a formal complaint, the District may suggest to the parties the possibility of
376 facilitating an informal resolution process, such as mediation, to resolve the formal complaint
377 without the need for a full investigation and adjudication. If it is determined that an informal
378 resolution may be appropriate, the Title IX Coordinator or designee will consult with the
379 parties.

380
381 Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or
382 designee will provide the parties with written notice disclosing the sexual harassment
383 allegations, the requirements of an informal resolution process, and any consequences from
384 participating in the informal resolution process. Upon receipt of this document,
385 complainants and respondents have five (5) school days to determine whether they consent
386 to participation in the informal resolution. The District must obtain voluntary, written
387 consent to the informal resolution process from both parties.

388
389 Prior to agreeing to any resolution, any party has the right to withdraw from the informal
390 resolution process and resume the grievance process with respect to the formal complaint. If
391 a satisfactory resolution is reached through this informal process, the matter will be
392 considered resolved. If these efforts are unsuccessful, the formal grievance process will
392 continue.

393
394 Nothing in this section precludes an employee from filing a complaint of retaliation for matters
395 related to an informal resolution, nor does it preclude either party from filing complaints based
395 on conduct that is alleged to occur following the District's facilitation of the informal resolution.

396
397 An informal resolution is not permitted to resolve allegations that an employee sexually
397 harassed a student.

398 E. Appeal Process

399
400 After receiving notification of the decision-maker(s)' decision, or after receiving notification
401 that the District dismissed a formal complaint or any allegation therein, both complainant and
402 respondent have five (5) school days to submit a formal letter of appeal to the Title IX
403 Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an

404 appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be
405 someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

406
407 Appeals will be appropriate only in the following circumstances:

- 408
- 409 • new evidence that was not reasonably available at the time the determination
410 regarding responsibility or dismissal was made, that could affect the outcome of the
411 matter;
- 412 • procedural irregularity that affected the outcome of the matter;
- 413 • the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of
414 interest or bias for or against complainants or respondents generally or the individual
415 complainant or respondent that affected the outcome of the matter. A conflict of
416 interest or bias does not exist solely because the Title IX Coordinator,
417 investigators(s), and/or decision-maker(s) previously worked with or disciplined the
418 complainant or respondent.

419
420 The District will provide the other party with written notice of such appeal. The appealing
421 party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a
422 written statement in support of, or challenging, the outcome of the grievance process. The
423 decision-maker(s) for the appeal will provide the appealing party's written statement to the
424 other party. The other party will then have ten (10) school days to submit to the decision-
425 maker for the appeal a written statement in support of, or challenging, the outcome of the
426 grievance process. The decision-maker(s) for the appeal, in their discretion, will determine
427 any additional necessary and appropriate procedures for the appeal.

428
429 After considering the parties' written statements, the decision-maker(s) for the appeal will
430 provide a written decision. The decision-maker(s) for the appeal will attempt to issue the
431 written decision within thirty (30) school days of receipt of all written statements from the
432 parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the
433 appeal will issue an appropriate remedy.

434
435 Supportive measures for either or both parties may be continued throughout the appeal
436 process.

437
438 F. Dismissal of a Formal Complaint

439
440 The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would
441 not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in
442 the District's education program or activity, or 3) did not occur against a person in the United
443 States. Such dismissal does not preclude action under another Board policy.

444
445 The District may dismiss a formal complaint or any allegations therein, if at any time during
446 the investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that
447 the complainant would like to withdraw the formal complaint or any allegations therein; 2)
448 the respondent is no longer enrolled or employed in the District; or 3) specific circumstances

449 prevent the District from gathering evidence sufficient to reach a determination as to the
450 formal complaint or allegations therein.

451
452 Upon a dismissal, the District will promptly and simultaneously send written notice of the
453 dismissal and reason(s) therefor to each party. Either party can appeal from the District's
454 dismissal of a formal complaint or any allegations therein using the appeals procedure.

455
456 In the event a formal complaint is dismissed prior to the issuance of a decision under Title
457 IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall
458 proceed through the grievance procedures identified in Section II of these Administrative
459 Regulations for claims of sex discrimination for consideration as to whether the allegations
460 constitute sexual harassment under Title VII or Connecticut law.

461
462 A dismissal pursuant to this section does not preclude action by the District under the Student
463 Discipline policy, Code of Conduct for students/or and employees, or any other applicable
464 rule, policy, and/or collective bargaining agreement.

465
466 G. Miscellaneous

467
468 1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed
469 or extended for good cause. Good cause may include, but is not limited to, considerations
470 such as the absence or illness of a party, a party's advisor, or a witness; concurrent law
471 enforcement activity; concurrent activity by the Department of Children and Families; or
472 the need for language assistance or accommodation of disabilities. If any timeframe is
473 altered on a showing of good cause, written notice will be provided to each party with the
474 reasons for the action.

475
476 2. If a sexual harassment complaint raises a concern about discrimination or harassment on
477 the basis of any other legally protected classification (such as race, religion, color,
478 national origin, age, or disability), the Title IX Coordinator or designee shall make a
479 referral to other appropriate personnel within the District (e.g. Section 504 Coordinator,
480 etc.), so as to ensure that any such investigation complies with the requirements of
481 policies regarding nondiscrimination.

482
483 3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a
484 child has been abused or neglected, has had a nonaccidental physical injury, or injury
485 which is at variance with the history given of such injury, is placed at imminent risk of
486 serious harm, or that a student has been sexually assaulted by a school employee, then,
487 the person to whom the complaint is given or who receives such information shall report
488 such matters in accordance with the Board's policy on the Reports of Suspected Child
489 Abuse or Neglect of Children.

490
491 4. Retaliation against any individual who complains pursuant to the Board's Policy
492 regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and
493 these Administrative Regulations is strictly prohibited. Neither the District nor any other
494 person may intimidate, threaten, coerce, or discriminate against any individual for the
495 purpose of interfering with any right or privilege secured by Title IX or these

496 Administrative Regulations, or because the individual has made a report or complaint,
497 testified, assisted, or participated or refused to participate in any manner in an
498 investigation, proceeding, or hearing under these Administrative Regulations. The
499 District will take actions designed to prevent retaliation. Complaints alleging retaliation
500 may be filed according to the grievance procedures for sex discrimination described
501 herein.

502

503 5. The District will maintain for a period of seven (7) years records of:

504

505 i. Each sexual harassment investigation including any determination regarding
506 responsibility, any disciplinary sanctions imposed on the respondent, and any
507 remedies provided to the complainant designed to restore or preserve equal
508 access to the Board's education program or activity;

509 ii. Any appeal and the result therefrom;

510 iii. Any informal resolution and the result therefrom; and

511 iv. All material used to train Title IX Coordinators, investigators, decision-makers,
512 and any person who facilitates an informal resolution process. The Board will
513 make these training materials publicly available on its website.

514

515 If the District has actual knowledge of sexual harassment in an education program or
516 activity of the Board, and for any report or formal complaint of sexual harassment, the
517 District will create and maintain for a period of seven (7) years, records of any actions,
518 including any supportive measures, taken in response to a report or formal complaint of
519 sexual harassment. The District will document the basis for its conclusion that its
520 response was not deliberately indifferent, and document that it has taken measures
521 designed to restore or preserve equal access to the Board's education program or activity.
522 If the District does not provide a complainant with supportive measures, then the District
523 will document the reasons why such a response was not clearly unreasonable in light of
524 the known circumstances.

525

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**SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX
DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)**

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A. Definitions

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- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.

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- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

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B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

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It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

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C. Grievance Procedures

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1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:

- i. Name of the complainant;
- ii. Date of the complaint;
- iii. Date(s) of the alleged discrimination;
- iv. Name(s) of the discriminator(s);
- v. Location where such discrimination occurred;

- 571 vi. Names of any witness(es) to the discrimination;
572 vii. Detailed statement of the circumstances constituting the alleged
573 discrimination; and
574 viii. Remedy requested.
575
- 576 3. Any employee who makes an oral complaint of sex discrimination to any of the above-
577 mentioned personnel will be provided a copy of these Administrative Regulations and
578 will be requested to make a written complaint pursuant to the above procedure.
579
- 580 4. All complaints are to be forwarded immediately to the building principal or designee
581 unless that individual is the subject of the complaint, in which case the complaint should
582 be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of
583 any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If
584 the complaint being filed is against the Title IX Coordinator, the complaint should be
585 filed with the Superintendent. If the complaint being filed is against the Superintendent,
586 the complaint should be filed with the Board Chair, who will then retain an independent
587 investigator to investigate the matter.
588
- 589 5. The Title IX Coordinator or designee shall investigate all complaints of sex
590 discrimination against an employee, regardless of whether the conduct occurred on or off-
591 school grounds. Complaints will be investigated promptly within the timeframes
592 identified below. Timeframes may be extended as needed given the complexity of the
593 investigation, availability of individuals with relevant information, and other extenuating
594 circumstances. The investigation shall be conducted discreetly, maintaining
595 confidentiality insofar as possible while still conducting an effective and thorough
596 investigation.
597
- 598 6. Any employee who makes a complaint shall be notified of the District's intent to
599 investigate the complaint. In the event the employee requests confidentiality or that an
600 investigation not be conducted, the District will take reasonable steps to investigate and
601 respond to the complaint to the extent possible, given the request for confidentiality or
602 that the District not investigate the complaint. If the employee insists that this
603 information not be shared with the alleged discriminator(s), the employee will be
604 informed that the District's ability to investigate and/or take corrective action may be
605 limited.
606
- 607 7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either
608 promptly commence an investigation of the complaint, or shall designate a school
609 administrator to promptly investigate the complaint. The Title IX Coordinator or
610 designee shall:
- 611 i. offer to meet with the complainant and respondent (if applicable) separately
612 within ten (10) school days to discuss the nature of the complaint, identify
613 individuals the complainant and respondent (if applicable) believe have relevant
614 information, and obtain any relevant documents the complainant and respondent
615 may have;
616
617

- 618 ii. provide the complainant and respondent (if applicable) with a copy of the Board's
619 sex discrimination policy and accompanying regulations;
620
- 621 iii. consider whether any interim measures may be appropriate to protect the
622 complainant or respondent (if applicable), pending the outcome of the
623 investigation;
624
- 625 iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the
626 factual basis of the complaint, including, as applicable, conducting interviews
627 with individuals deemed relevant to the complaint;
628
- 629 v. consider whether alleged sex discrimination has created a hostile work
630 environment, including consideration of the effects of off-campus conduct on the
631 school;
632
- 633 vi. communicate the outcome of the investigation in writing to the complainant, to
634 the respondent, and to any individual properly identified as a party to the
635 complaint (to the extent permitted by state and federal confidentiality
636 requirements), within ninety (90) school days from the date the complaint was
637 received by the Superintendent's office. The investigator may extend this
638 deadline for no more than fifteen (15) additional school days if needed to
639 complete the investigation. The complainant and respondent (if applicable) shall
640 be notified of such extension. The written notice shall include a finding whether
641 the complaint was substantiated and if so, shall identify, to the extent possible,
642 how the District will remedy the discrimination, adhering to the requirements of
643 state and federal law; and
644
- 645 vii. when sex discrimination has been found, take steps that are reasonably calculated
646 to end the discrimination, take corrective and/or disciplinary action aimed at
647 preventing the recurrence of the discrimination, as deemed appropriate by the
648 Superintendent or designee, and take steps to remedy the effects of the sex
649 discrimination.
650
- 651 8. If a complaint is made during summer recess, the complaint will be reviewed and
652 addressed as quickly as possible given the availability of staff and/or other individuals
653 who may have information relevant to the complaint. If fixed timeframes cannot be met,
654 the complainant and respondent will receive notice and interim measures may be
655 implemented as necessary.
656
- 657 9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the
658 investigation, the complainant or respondent may file a written appeal within five (5)
659 school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the
660 investigation, to the Superintendent of Schools. The Title IX Coordinator or
661 Superintendent shall review the Title IX Coordinator or designee's written report, the
662 information collected by the Title IX Coordinator or designee together with the
663 recommended disposition of the complaint to determine whether the alleged conduct
664 constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools

665 may determine if further action and/or investigation is warranted. After completing this
666 review, the Title IX Coordinator or Superintendent of Schools shall respond to the
667 complainant and respondent (if applicable), in writing, within fifteen (15) school days
668 following the receipt of the written request for review.

669 D. Miscellaneous

- 670
- 671
- 672 1. If a sex discrimination complaint raises a concern about discrimination or harassment on
673 the basis of any other legally protected classification (such as race, religion, color,
674 national origin, age, or disability), the Title IX Coordinator or designee shall make a
675 referral to other appropriate personnel within the District (e.g. Section 504 Coordinator,
676 etc.), so as to ensure that any such investigation complies with the requirements of
677 policies regarding nondiscrimination.
- 678
- 679 2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a
680 child has been abused or neglected, has had a nonaccidental physical injury, or injury
681 which is at variance with the history given of such injury, is placed at imminent risk of
682 serious harm, or that a student has been sexually assaulted by a school employee, then,
683 the person to whom the complaint is given or who receives such information shall report
684 such matters in accordance with the Board's policy on the Reports of Suspected Child
685 Abuse or Neglect of Children.
- 686
- 687 3. Retaliation against any individual who complains pursuant to the Board's Policy
688 regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and
689 these Administrative Regulations is strictly prohibited. Neither the District nor any other
690 person may intimidate, threaten, coerce, or discriminate against any individual for the
691 purpose of interfering with any right or privilege secured by Title IX or these
692 Administrative Regulations, or because the individual has made a report or complaint,
693 testified, assisted, or participated or refused to participate in any manner in an
694 investigation, proceeding, or hearing under these Administrative Regulations. The
695 District will take actions designed to prevent retaliation as a result of filing a complaint.
696 Complaints alleging retaliation may be filed according to the grievance procedures for sex
697 discrimination described herein.
- 698

699 **Section III. Further Reporting**

700

701 At any time, a complainant alleging sex discrimination or sexual harassment may also file a
702 complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th
703 Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

704

705 Employees may also make a report of sexual harassment and/or sex discrimination to the
706 Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard,
707 Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-
708 477-5737).

709

710 Copies of these Administrative Regulations will be distributed to all employees.

711

Appendix A

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Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

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**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX
(PERSONNEL)**

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

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COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (PERSONNEL)

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

11/23/2020

[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

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

Identities of the parties involved, if known:

_____ (Complainant(s))

_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

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

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator:

**Director of Special Education
10 Campus Drive
Madison, CT 06443
203-245-6341**

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

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

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

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

11/23/2020

[LETTERHEAD]

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS UNDER TITLE IX

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant Date

Respondent Date

11/23/2020

#4116.1

Prohibition of Sex Discrimination, Including Sex-based Harassment

The Madison Board of Education (the “Board”) and Madison Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

Director of Special Education
10 Campus Drive
Madison, CT 06443
203-245-6341
battaglia.elizabeth@madisonps.org

The Superintendent of Schools shall develop and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”). The Administrative Regulations are located hereafter.

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. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct;
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District’s education program or activity; or
3. *A specific offense*, as follows:
- a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
 - d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress.

Reporting Sex Discrimination:

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A “complainant,” which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board’s education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and

3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator. Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building. Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or 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.
Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

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

Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

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

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

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

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

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

Brittell v. Department of Correction, 247 Conn. 148 (1998)
Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

Date of Adoption: October 22, 2024

Regulation #4116.1**Prohibition of Sex Discrimination, Including Sex-Based Harassment**

The Madison Board of Education (the “Board”) and Madison Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

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. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct);
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District’s education program or activity; or

3. *A specific offense, as follows:*
 - a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
 - d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

SECTION I: REPORTING SEX DISCRIMINATION

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

Director of Special Education
10 Campus Drive
Madison, CT 06443
203-245-6341
battaglia.elizabeth@madisonps.org

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

SECTION II: DEFINITIONS

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
2. **Complainant** means (1) a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
3. **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board's policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.

5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
 - Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
 - It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
 - It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
 - The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
6. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board’s policy and these Administrative Regulations that the respondent violated the District’s prohibition on sex discrimination.
7. For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District’s disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District’s education program or activity or outside the United States.
8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual’s duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

9. **Party** means a complainant or respondent.
10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
12. **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
13. **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.
15. **School days** means the days that school is in session as designated on the calendar posted on the District's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance procedures.
16. **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or (2) provide support during the District's grievance procedures or during the informal resolution process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class

schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

SECTION III: RESPONSE TO SEX DISCRIMINATION

1. **Notification of Procedures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.

2. **Supportive Measures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.
 - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
 - b. *Challenge to Supportive Measures.* Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.
 - a. *Notice of Informal Resolution Process*. Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - 1) the allegations;
 - 2) the requirements of the informal resolution process;
 - 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - 4) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;
 - 5) the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - 6) what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
 - b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.

- c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
- 1) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - 2) Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.
- d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.
4. Emergency Removal. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.

6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:
 - a. The complainant's request not to proceed with initiation of a complaint;
 - b. The complainant's reasonable safety concerns regarding initiation of a complaint;
 - c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
 - d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is a Board employee;
 - f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
 - h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the District from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.
 - a. The District will treat complainants and respondents equitably.
 - b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - 1) When determining whether a reasonable extension of timeframes is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
 - 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
 - 3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
 - h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
2. **Filing a Complaint.** A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
 3. **Notice of District Grievance Procedures.** If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.
 4. **Jurisdiction and Dismissal.** Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.
 - a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;

- 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
- b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
- 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
- 1) Dismissals may be appealed on the following bases:
 - a) Procedural irregularity that would change the outcome;
 - b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
 - c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
 - 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
 - a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;

- b) The appeal decisionmaker must promptly notify the other party of the appeal;
 - c) The other party shall have five (5) school days, from receiving notice from the appeal decisionmaker to submit a written a statement in support of, or challenging, the outcome; and
 - d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:
- a. The District's Title IX grievance procedures and availability of the informal resolution process;
 - b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
 - c. A statement that retaliation is prohibited; and
 - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:
- a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
 - b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

- c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
 - d. *Disclosure of Evidence:* Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
 - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
 - 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
 - 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
 - 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
 - 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
 - e. *Only when using a bifurcated investigative model,* the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:
- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
 - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
 - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;

- d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.

8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
 - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board’s policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District’s education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
 - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for

- students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
- c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
 - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

SECTION V: PREGNANCY OR RELATED CONDITIONS

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or parent or guardian with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

SECTION VI: RETALIATION

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

SECTION VII: RECORDKEEPING

The District will maintain for a period of seven (7) years:

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and
3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

SECTION VIII: TRAINING

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. *All employees.* All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all

applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.

2. *Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained on the District's response to sex discrimination; the District's grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

SECTION IX: FURTHER REPORTING

At any time, a complainant alleging sex discrimination may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Individuals may also make a report of 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).

7/29/2024

**COMPLAINT FORM REGARDING SEX DISCRIMINATION, INCLUDING
SEX-BASED HARASSMENT**

Name of the complainant: _____

Date of the alleged conduct: _____

Name(s) of the alleged perpetrator(s): _____

Location where such conduct occurred: _____

Name(s) of any witness(es) to the conduct: _____

Detailed statement of the circumstances:

Remedy requested:

Signature: _____

Date: _____

#5120.4.2.4

**Title IX of the Education Amendments of 1972 – Prohibition of
Sex Discrimination and Sexual Harassment**

It is the policy of the Madison Board of Education (the “Board”) for the Madison 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 this 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 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*);

29 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively
30 offensive that it effectively denies a person equal access to the Board’s education programs or
31 activities; or

32 (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C.
33 12291(a) (10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in
34 34 U.S.C. 12291(a)(30).

35
36 Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature;
37 2) is unwelcome; and 3) denies or limits a student’s ability to participate in or benefit from a school’s
38 educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a
39 form of sexual harassment.

40

41 Reporting Sex Discrimination or Sexual Harassment

42

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

51

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

55

56 The Madison Public Schools administration (the “Administration”) shall provide training to Title IX
57 Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution
58 process (as set forth in the Administrative Regulations) on the definitions of sex discrimination and
59 sexual harassment, the scope of the Board’s education program and activity, how to conduct an

60 investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of
61 the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials
62 used to provide these trainings publicly available on the Board's website. The Administration shall also
63 periodically provide training to all Board employees on the topic of sex discrimination and sexual
64 harassment under Title IX and Connecticut Law, which shall include but not be limited to when reports
65 of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this
66 Policy and the Administrative Regulations to staff, students and parents and legal guardians and make
67 the Policy and the Administrative Regulations available on the Board's website to promote an
68 environment free of sex discrimination and sexual harassment.

69

70 The Board's Title IX Coordinator is the Director of Special Education. Any individual may make a
71 report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX
72 Coordinator as follows:

73

74 ***Director of Special Education***
75 ***10 Campus Drive***
76 ***Madison, CT 06443***
77 ***203-245-6341***

78

79 Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of
80 a formal complaint, shall immediately forward such information to the Title IX Coordinator. Students
81 may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of
82 Education:

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Office for Civil Rights Boston Office,
U.S. Department of Education,
8th Floor, 5 Post Office Square,
Boston, MA 02109-3921
Telephone (617) 289-0111

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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:

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

97

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

99

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

101

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

103

104 Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

105

106

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108 Date of Adoption: August 25, 2020

109 Date of Revision: March 16, 2021

110 Date of Revision: October 12, 2021

111

112

Regulation #5120.4.2.4

Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the Madison Board of Education (the “Board”) for the Madison Public Schools (“the District”) that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

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 District’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). These definitions can be found in Appendix A of these Administrative Regulations.

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.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

1. Statements or other conduct indicating that a student’s submission to, or rejection of, sexual overtures or advances will affect the student’s grades and/or other academic progress.

- 42
- 43 2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual
- 44 invitations, leering and physical touching.
- 45
- 46 3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks,
- 47 invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or
- 48 gestures.
- 49
- 50 4. Touching of a sexual nature or telling sexual or dirty jokes.
- 51
- 52 5. Transmitting or displaying emails or websites of a sexual nature.
- 53
- 54 6. Using computer systems, including email, instant messaging, text messaging, blogging or the use
- 55 of social networking websites, or other forms of electronic communications, to engage in any
- 56 conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of
- 57 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).
- 58

59 NOTICE OF THE TITLE IX COORDINATOR

60 The District's Title IX Coordinator is the Director of Special Education. Any individual may make a

61 report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX

62 Coordinator using any one, or multiple, of the following points of contact:

63

64 *Director of Special Education*

65 *10 Campus Drive*

66 *Madison, CT 06443*

67 *203-245-6341*

68

69 Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt

70 of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title

71 IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual

72 harassment and sex discrimination and is an available resource to anyone seeking information or wishing

73 to file a formal complaint of same. When a student, District employee, or other participant in the

74 District's programs and activities feels that such person has been subjected to discrimination on the basis

75 of sex in any District program or activity, including without limitation being subjected to sexual

76 harassment, such person may contact the Title IX Coordinator or utilize the Title IX grievance systems

77 set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

78 **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

79

80 The federal regulations implementing Title IX require the adoption and publication of two separate

81 grievance systems: a grievance process for complaints of sex discrimination involving allegations of

82 sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual

83 harassment. Accordingly, the Administration will process any complaints of sex discrimination

84 involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth

85 in Section I of these regulations. The Administration will process any complaints of sex discrimination

86 that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these

87 regulations.

88 The District will keep confidential the identity of any individual who has made a report or complaint of
 89 sex discrimination, including any individual who has made a report or filed a formal complaint of sexual
 90 harassment, any complainant, any individual who has been reported to be the perpetrator of sex
 91 discrimination, any respondent, and any witness, except as may be permitted by the Family Educational
 92 Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these
 93 Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding
 94 arising from these Administrative Regulations.

95
 96 The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

97 **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT**
 98 **UNDER TITLE IX**

99 A. Definitions

- 100
 101 • **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-
 102 maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is
 103 not limited to, demonstrated personal animus against the respondent or the complainant and/or
 104 prejudice of the facts at issue in the investigation.
- 105 • **Complainant** means an individual who is alleged to be the victim of conduct that could
 106 constitute sexual harassment.
- 107 • A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s),
 108 and/or decision-maker(s) have personal, financial and/or familial interests that affected the
 109 outcome of the investigation.
- 110 • **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity
 111 with another person (also referred to hereafter as “affirmative consent”).

112 For the purposes of an investigation conducted pursuant to these Administrative Regulations, the
 113 following principles shall be applied in determining whether consent for sexual activity was
 114 given and/or sustained:

- 115 A. Affirmative consent is the standard used in determining whether consent to engage in
 116 sexual activity was given by all persons who engaged in the sexual activity.
- 117 B. Affirmative consent may be revoked at any time during the sexual activity by any
 118 person engaged in the sexual activity.
- 119 C. It is the responsibility of each person engaging in a sexual activity to ensure that the
 120 person has the affirmative consent of all persons engaged in the sexual activity to
 121 engage in the sexual activity and that the affirmative consent is sustained throughout the
 122 sexual activity.
- 123 D. It shall not be a valid excuse to an alleged lack of affirmative consent that the
 124 respondent to the alleged violation believed that the complainant consented to the
 125 sexual activity:

- 126 (i) because the respondent was intoxicated or reckless or failed to take reasonable steps
127 to ascertain whether the complainant consented, or
- 128 (ii) if the respondent knew or should have known that the complainant was unable to
129 consent because such individual was unconscious, asleep, unable to communicate
130 due to a mental or physical condition, unable to consent due to the age of the
131 individual or the age difference between the individual and the respondent, or
132 incapacitated due to the influence of drugs, alcohol or medication.
- 133 E. The existence of a past or current dating or sexual relationship between the complainant
134 and the respondent, in and of itself, shall not be determinative of a finding of consent.
- 135 • For purposes of investigations and complaints of sexual harassment, **education program or**
136 **activity** includes locations, events, or circumstances over which the Board exercises substantial
137 control over both the respondent and the context in which the sexual harassment occurs.
 - 138
 - 139 • **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent,
140 guidance counselor, school counselor, psychologist, social worker, nurse, physician, school
141 paraprofessional or coach employed by the Board or working in a public elementary, middle or
142 high school; or (B) any other individual who, in the performance of the individual’s duties, has
143 regular contact with students and who provides services to or on behalf of students enrolled in a
144 public elementary, middle or high school, pursuant to a contract with the Board.
 - 145
 - 146 • **Formal complaint** means a document filed by a complainant or signed by the Title IX
147 Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and
148 requesting that the Administration investigate the allegation of sexual harassment. A “document
149 filed by a complainant” means a document or electronic submission that contains the
150 complainant’s physical or digital signature, or otherwise indicates that the complainant is the
151 person filing the formal complaint.
 - 152
 - 153 • **Respondent** means an individual who has been alleged to be the perpetrator of conduct that
could constitute sexual harassment.
 - 154
 - 155 • **School days** means the days that school is in session as designated on the calendar posted on the
156 Board’s website. In its discretion, and when equitably applied and with proper notice to the
157 parties, the District may consider business days during the summer recess as “school days” if
such designation facilitates the prompt resolution of the grievance process.
 - 158
 - 159 • **Supportive measures** mean non-disciplinary, non-punitive individualized services offered as
160 appropriate, as reasonably available, and without fee or charge to the complainant or the
161 respondent before or after the filing of a formal complaint or where no formal complaint has
162 been filed. Such measures are designed to restore or preserve equal access to the District’s
163 education program or activity without unreasonably burdening the other party, including
164 measures designed to protect the safety of all parties or the District’s educational environment, or
165 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or
166 other course-related adjustments, modifications of work or class schedules, mutual restrictions on
contact between the parties, increased security and monitoring, and other similar measures.

167 B. Reporting Sexual Harassment

- 168 1. It is the express policy of the Board to encourage victims of sexual harassment to report such
169 claims. Any person may report sexual harassment (whether or not the person reporting is the
170 person alleged to be the victim of conduct that could constitute sexual harassment), in person, by
171 mail, by telephone, or by electronic mail, using the contact information listed for the Title IX
172 Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment
173 against a student in the District's education program or activity, the Title IX Coordinator will
174 promptly contact the complainant to discuss the availability of supportive measures, whether or
175 not the complainant files a formal complaint, and will consider the complainant's wishes with
176 respect to such measures. If the complainant has yet to file a formal complaint, the Title IX
177 Coordinator will explain to the complainant the process for doing so.
- 178 2. The District will treat complainants and respondents equitably. A respondent is presumed not
179 responsible for the alleged conduct and a determination regarding responsibility will be made at
180 the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation
181 shall limit or preclude the District from removing a respondent from the District's education
182 program or activity on an emergency basis, provided that the District undertakes an
183 individualized safety and risk analysis, and determines that an immediate threat to the physical
184 health or safety of any student or other individual arising from the allegations of sexual
185 harassment justifies removal. If a respondent is removed on an emergency basis, the District shall
186 provide the respondent with notice and an opportunity to challenge the decision immediately
187 following the removal.

188 C. Formal Complaint and Grievance Process

- 189
- 190 1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by
191 electronic mail, by using the contact information listed for the Title IX Coordinator. At the time
192 of filing a formal complaint, a complainant must be participating in or attempting to participate
193 in the District's education programs or activity. A formal complaint may be signed by the Title
194 IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the
195 formal complaint should be filed with the Superintendent. If the formal complaint being filed is
196 against the Superintendent, the formal complaint should be filed with the Board Chair, who will
197 then retain an independent investigator to investigate the matter.
- 198
- 199 2. The District may consolidate formal complaints as to allegations of sexual harassment against
200 more than one respondent, or by more than one complainant against one or more respondents, or
201 by one party against the other party, where the allegations of sexual harassment arise out of the
202 same facts or circumstances. If possible, formal complaints should be filed within ten (10) school
203 days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such
204 claims. The District will attempt to complete the formal grievance process within ninety (90)
205 school days of receiving a formal complaint. This timeframe may be temporarily delayed or
206 extended in accordance with Subsection G of this Section.
- 207
- 208 3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the
209 availability of supportive measures with the complainant, the Title IX Coordinator will promptly
210 contact the complainant to discuss the availability of such measures and consider the

complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- 258 8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as
259 part of the investigation that is directly related to the allegations raised in the formal complaint,
260 including the evidence upon which the District does not intend to rely in reaching a
261 determination regarding responsibility and inculpatory or exculpatory evidence whether obtained
262 from a party or other source, so that each party can meaningfully respond to the evidence prior to
263 the conclusion of the investigation. Prior to completion of the investigative report, the District
264 will send to each party and the party's advisor, if any, the evidence subject to inspection and
265 review in an electronic format or a hard copy, and the parties will have ten (10) school days to
266 submit a written response, which the investigator(s) will consider prior to completion of the
267 investigative report, as described in Paragraph 9 of this Subsection.
268
- 269 9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence.
270 The investigator(s) will send the investigative report, in an electronic format or hard copy, to
271 each party and to each party's advisor for their review and written response at least ten (10)
272 school days prior to the time a determination regarding responsibility is made.
273
- 274 10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-
275 party contractor and who shall be someone other than the Title IX Coordinator or investigator(s).
276 If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the
277 decision-maker, who shall be a District employee or third-party contractor and who shall be
278 someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the
279 decision-maker(s) shall not discuss the investigation's facts and/or determination while the
280 formal complaint is pending. The decision-maker(s) will afford each party the opportunity to
281 submit written, relevant questions that a party wants asked of any party or witness, provide each
282 party with the answers, and allow for additional, limited follow-up questions from each party.
283 Questions and evidence about the complainant's sexual predisposition or prior sexual behavior
284 are not relevant, unless such questions and evidence about the complainant's prior sexual
285 behavior are offered to prove that someone other than the respondent committed the conduct
286 alleged by the complainant, or if the questions and evidence concern specific incidents of the
287 complainant's prior sexual behavior with respect to the respondent and are offered to prove
288 consent. The decision-maker(s) will explain to the party proposing the questions any decisions to
289 exclude a question as not relevant.
290
- 291 11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this
292 determination, the decision-maker must apply the preponderance of the evidence standard. The
293 written determination will include: (1) identification of the allegations potentially constituting
294 sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal
295 complaint through the determination, including any notifications to the parties, interviews with
296 parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3)
297 findings of fact supporting the determination; (4) conclusions regarding the application of the
298 District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each
299 allegation, including a determination regarding responsibility, any disciplinary sanctions the
300 District will impose on the respondent, and whether remedies designed to restore or preserve
301 equal access to the District's education program or activity will be provided by the District to the
302 complainant; and (6) the District's procedures and permissible bases for the complainant and
303 respondent to appeal. If the respondent is found responsible for violating the Board's Policy
304 regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and

305 Sexual Harassment (Students), the written determination shall indicate whether the respondent
306 engaged in sexual harassment as defined by the Board's Policy and these Administrative
307 Regulations. The written determination will be provided to both parties simultaneously.
308

309 12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the
310 Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment
311 (Students) may be subject to discipline up to and including expulsion. Employee respondents
312 found responsible for violating the Board's Policy regarding Title IX of the Education
313 Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may
314 be subject to discipline up to and including termination of employment. Other respondents may
315 be subject to exclusion from the District's programs, activities and/or property. In appropriate
316 circumstances, the District may make a criminal referral. Remedies will be designed to restore or
317 preserve equal access to the District's education programs or activities.
318

319 13. After receiving notification of the decision-maker's decision, or after receiving notification that
320 the District dismissed a formal complaint or any allegation therein, both complainant and
321 respondent may avail themselves of the appeal process set forth in Subsection E of this Section.
322

323 D. Informal Resolution

324
325 At any time prior to reaching a determination regarding responsibility, but only after the filing of a
326 formal complaint, the District may suggest to the parties the possibility of facilitating an informal
327 resolution process, such as mediation, to resolve the formal complaint without the need for a full
328 investigation and adjudication. If it is determined that an informal resolution may be appropriate, the
329 Title IX Coordinator or designee will consult with the parties.
330

331 Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or
332 designee will provide the parties with written notice disclosing the sexual harassment allegations,
333 the requirements of an informal resolution process, and any consequences from participating in the
334 informal resolution process. Upon receipt of this document, complainants and respondents have five
335 (5) school days to determine whether they consent to participation in the informal resolution. The
336 District must obtain voluntary, written consent to the informal resolution process from both parties.

337 Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution
338 process and resume the grievance process with respect to the formal complaint. If a satisfactory
339 resolution is reached through this informal process, the matter will be considered resolved. If these
340 efforts are unsuccessful, the formal grievance process will continue.

341 Nothing in this section precludes a student from filing a complaint of retaliation for matters related
342 to an informal resolution, nor does it preclude either party from filing complaints based on conduct
343 that is alleged to occur following the District's facilitation of the informal resolution.

344 An informal resolution is not permitted to resolve allegations that an employee sexually harassed a
345 student.
346

347 E. Appeal Process

348

349 After receiving notification of the decision-makers decision, or after receiving notification that the
350 District dismissed a formal complaint or any allegation therein, both complainant and respondent
351 have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying
352 the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall
353 appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX
354 Coordinator, investigator(s), or initial decision-maker(s).

355

356 Appeals will be appropriate only in the following circumstances:

- 357 • new evidence that was not reasonably available at the time the determination regarding
358 responsibility or dismissal was made, that could affect the outcome of the matter;
- 359 • procedural irregularity that affected the outcome of the matter;
- 360 • the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or
361 bias for or against complainants or respondents generally or the individual complainant or
362 respondent that affected the outcome of the matter. A conflict of interest or bias does not exist
363 solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously
364 worked with or disciplined the complainant or respondent.

365 The District will provide the other party with written notice of such appeal. The appealing party will
366 then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement
367 in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the
368 appeal will provide the appealing party's written statement to the other party. The other party will
369 then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement
370 in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the
371 appeal, in their discretion, will determine any additional necessary and appropriate procedures for the
372 appeal.

373 After considering the parties' written statements, the decision-maker(s) for the appeal will provide a
374 written decision. The decision-maker(s) for the appeal will attempt to issue the written decision
375 within thirty (30) school days of receipt of all written statements from the parties. If it is found that
376 one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate
377 remedy.

378 Supportive measures for either or both parties may be continued throughout the appeal process.

379

380 F. Dismissal of a Formal Complaint

381

382 The Title IX Coordinator shall dismiss any formal complaint that, under Title IX 1) would not
383 constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the
384 District's education program or activity, or 3) did not occur against a person in the United States.
385 Such dismissal does not preclude action under another Board policy.

386

387 The District may dismiss a formal complaint or any allegations therein, if at any time during the
388 investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that the
389 complainant would like to withdraw the formal complaint or any allegations therein; 2) the

390 respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the
391 District from gathering evidence sufficient to reach a determination as to the formal complaint or
392 allegations therein.

393
394 Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal
395 and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal
396 complaint or any allegations therein using the appeals procedure.

397
398 In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the
399 Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through
400 the grievance procedures identified in Section II of these Administrative Regulations for claims of
401 sex discrimination for consideration as to whether the allegations constitute sexual harassment under
402 Connecticut law.

403
404 A dismissal pursuant to this section does not preclude action by the District under the Student
405 Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule,
406 policy, and/or collective bargaining agreement.

407
408 G. Miscellaneous

409
410 1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or
411 extended for good cause. Good cause may include, but is not limited to, considerations such as
412 the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement
413 activity; concurrent activity by the Department of Children and Families; or the need for
414 language assistance or accommodation of disabilities. If any timeframe is altered on a showing of
415 good cause, written notice will be provided to each party with the reasons for the action.

416
417 2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX
418 Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any
419 bullying investigation with the Title IX Coordinator, to promote the alignment of any such
420 bullying investigation with the requirements of applicable Board policies and state law.
421 Additionally, if a sexual harassment complaint raises a concern about discrimination or
422 harassment on the basis of any other legally protected classification (such as race, religion, color,
423 national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to
424 other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to
425 ensure that any such investigation complies with the requirements of policies regarding
426 nondiscrimination.

427
428 3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child
429 has been abused or neglected, has had a nonaccidental physical injury, or injury which is at
430 variance with the history given of such injury, is placed at imminent risk of serious harm, or that
431 a student has been sexually assaulted by a school employee, then, the person to whom the
432 complaint is given or who receives such information shall report such matters in accordance with
433 the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

434
435 4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title
436 IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual

437 Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the
438 District nor any other person may intimidate, threaten, coerce, or discriminate against any
439 individual for the purpose of interfering with any right or privilege secured by Title IX or these
440 Administrative Regulations, or because the individual has made a report or complaint, testified,
441 assisted, or participated or refused to participate in any manner in an investigation, proceeding, or
442 hearing under these Administrative Regulations. The District will take actions designed to
443 prevent retaliation. Complaints alleging retaliation may be filed according to the grievance
444 procedures for sex discrimination described herein.
445

446 5. The District will maintain for a period of seven (7) years records of:

- 447
- 448 i. Each sexual harassment investigation including any determination regarding
449 responsibility, any disciplinary sanctions imposed on the respondent, and any remedies
450 provided to the complainant designed to restore or preserve equal access to the Board's
451 education program or activity;
 - 452 ii. Any appeal and the result therefrom;
 - 453 iii. Any informal resolution and the result therefrom; and
 - 454 iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any
455 person who facilitates an informal resolution process. The Board will make these
456 training materials publicly available on its website.
457

458 If the District has actual knowledge of sexual harassment in an education program or activity of
459 the Board, and for any report or formal complaint of sexual harassment, the District will create
460 and maintain for a period of seven (7) years, records of any actions, including any supportive
461 measures, taken in response to a report or formal complaint of sexual harassment. The District
462 will document the basis for its conclusion that its response was not deliberately indifferent, and
463 document that it has taken measures designed to restore or preserve equal access to the Board's
464 education program or activity. If the District does not provide a complainant with supportive
465 measures, then the District will document the reasons why such a response was not clearly
466 unreasonable in light of the known circumstances.
467

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION
(OTHER THAN SEXUAL HARASSMENT UNDER
TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that the student has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), the student or the student's parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The student will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the student's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.

- 512 3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned
513 personnel will be provided a copy of these Administrative Regulations and will be requested to
514 make a written complaint pursuant to the above procedure. In appropriate circumstances, such as
515 due to the age of the student making the complaint, a parent or school administrator may be
516 permitted to fill out the form on the student's behalf.
- 517 4. All complaints are to be forwarded immediately to the building principal or designee unless that
518 individual is the subject of the complaint, in which case the complaint should be forwarded
519 directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed
520 under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is
521 against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the
522 complaint being filed is against the Superintendent, the complaint should be filed with the Board
523 Chair, who will then retain an independent investigator to investigate the matter.
- 524 5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination
525 against a student, regardless of whether the conduct occurred on or off-school grounds.
526 Complaints will be investigated promptly within the timeframes identified below. Timeframes
527 may be extended as needed given the complexity of the investigation, availability of individuals
528 with relevant information, and other extenuating circumstances. The investigation shall be
529 conducted discreetly, maintaining confidentiality insofar as possible while still conducting an
530 effective and thorough investigation.
- 531 6. Any student who makes a complaint shall be notified of the District's intent to investigate the
532 complaint. In the event the student requests confidentiality or that an investigation not be
533 conducted, the District will take reasonable steps to investigate and respond to the complaint to
534 the extent possible, given the request for confidentiality or that the District not investigate the
535 complaint. If the student insists that the student's personally identifiable information not be
536 shared with the alleged discriminator(s), the student will be informed that the District's ability to
537 investigate and/or take corrective action may be limited.
- 538 7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly
539 commence an investigation of the complaint, or shall designate a school administrator to
540 promptly investigate the complaint. The Title IX Coordinator or designee shall:
- 541 i. offer to meet with the complainant and respondent (if applicable) separately within ten
542 (10) school days to discuss the nature of the complaint, identify individuals the
543 complainant and respondent (if applicable) believe have relevant information, and obtain
544 any relevant documents the complainant and respondent may have;
 - 545
 - 546 ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex
547 discrimination policy and accompanying regulations;
 - 548 iii. consider whether any interim measures may be appropriate to protect the complainant or
549 respondent (if applicable), pending the outcome of the investigation;
 - 550
 - 551 iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual
552 basis of the complaint, including, as applicable, conducting interviews with individuals
553 deemed relevant to the complaint;
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 - 555 v. consider whether alleged sex discrimination has created a hostile school environment,
556 including consideration of the effects of off-campus conduct on the school;

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- vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

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D. Miscellaneous

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- 1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

- 603 2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child
604 has been abused or neglected, has had a nonaccidental physical injury, or injury which is at
605 variance with the history given of such injury, is placed at imminent risk of serious harm, or that
606 a student has been sexually assaulted by a school employee, then, the person to whom the
607 complaint is given or who receives such information shall report such matters in accordance with
608 the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
609
- 610 3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title
611 IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual
612 Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the
613 District nor any other person may intimidate, threaten, coerce, or discriminate against any
614 individual for the purpose of interfering with any right or privilege secured by Title IX or these
615 Administrative Regulations, or because the individual has made a report or complaint, testified,
616 assisted, or participated or refused to participate in any manner in an investigation, proceeding, or
617 hearing under these Administrative Regulations. The District will take actions designed to
618 prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed
619 according to the grievance procedures for sex discrimination described herein.
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621 **Section III. Further Reporting**

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623 At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint
624 with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office
625 Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

626
627 Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut
628 Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835
629 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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631 Copies of these Administrative Regulations will be distributed to all students.
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Appendix A

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Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person’s age or because of the person’s temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX
(STUDENTS)**

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

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Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment _____

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

11/23/2020

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COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (STUDENTS)

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

11/23/2020

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/STUDENT SEXUAL HARASSMENT
[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d

In accordance with the Board’s Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator. The formal complaint shall also be considered a written report of suspected bullying under the Board’s Bullying Prevention and Intervention Policy and Connecticut General Statutes § 10-222d. As such, a bullying investigation pursuant to the foregoing policy and statute will be conducted as part of the Title IX grievance process. This notice shall serve as notification that an investigation of alleged Title IX sexual harassment and bullying has commenced. Please be advised that students are entitled to different and additional procedural rights under the Title IX grievance process than under the Board’s Bullying Prevention and Intervention Policy.

Identities of the parties involved, if known:

(Complainant(s))

(Respondent(s))

The conduct allegedly constituting sexual harassment and bullying:

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

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06433
203-245-6341

Procedural Rights Under Title IX:

- The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility under Title IX is made at the conclusion of the grievance process.
- All parties involved in the Title IX grievance process may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

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

A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and the Board's Bullying Prevention and Intervention Policy is included with this notice.

1/26/2022

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SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/EMPLOYEE SEXUAL HARASSMENT
[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board’s Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with or signed by the Title IX Coordinator.

Identities of the parties involved, if known:

(Complainant(s))

(Respondent(s))

The conduct allegedly constituting sexual harassment:

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

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06433
203-245-6341

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

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board’s Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students).

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

861 **A copy of the Board's Policy and Administrative Regulations Regarding Title IX of the Education**
862 **Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) is**
863 **included with this notice.**
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SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS

[LETTERHEAD]

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS UNDER TITLE IX

In accordance with the Board’s Policy and Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation [alternatively, could be restorative justice]. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant Date

Parent/Guardian of Complainant Date

Respondent Date

Parent/Guardian of Respondent Date

#5120.5

Prohibition of Sex Discrimination and Sexual Harassment

The Madison Board of Education (the “Board”) and Madison Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

Director of Special Education
10 Campus Drive
Madison, CT 06443
203-245-6341
battaglia.elizabeth@madisonps.org

The Superintendent of Schools shall develop and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”). The Administrative Regulations are located hereafter.

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. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct;
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District’s education program or activity; or
3. *A specific offense*, as follows:
- a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
 - d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress.

Reporting Sex Discrimination:

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A “complainant,” which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board’s education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and

3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator. Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building. Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or 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.
Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)

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

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

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

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

Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

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

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

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

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

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

Brittell v. Department of Correction, 247 Conn. 148 (1998)

Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

Date of Adoption: October 22, 2024

Regulation #5120.5

Prohibition of Sex Discrimination, Including Sex-based Harassment

The Madison Board of Education (the “Board”) and Madison Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person’s designee.

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. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct);
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. the degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District’s education program or activity; or
3. *A specific offense, as follows:*

- a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or
- d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

SECTION I: REPORTING SEX DISCRIMINATION

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

Director of Special Education
10 Campus Drive
Madison, CT 06443
203-245-6341
battaglia.elizabeth@madisonps.org

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act ("FERPA"), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

SECTION II: DEFINITIONS

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
2. **Complainant** means (1) a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to complainant includes the student's parent or guardian.
3. **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board's policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.

5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
 - Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
 - It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
 - It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
 - The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
6. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board’s policy and these Administrative Regulations that the respondent violated the District’s prohibition on sex discrimination.
7. For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District’s disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District’s education program or activity or outside the United States.
8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual’s duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

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9. **Party** means a complainant or respondent.

 10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

 11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

 12. **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.

 13. **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.

 14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.

 15. **School days** means the days that school is in session as designated on the calendar posted on the District's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance procedures.

 16. **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or (2) provide support during the District's grievance procedures or during the informal resolution

process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

SECTION III: RESPONSE TO SEX DISCRIMINATION

1. **Notification of Procedures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
2. **Supportive Measures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.
 - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
 - b. *Challenge to Supportive Measures.* Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.
 - a. *Notice of Informal Resolution Process*. Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - 1) the allegations;
 - 2) the requirements of the informal resolution process;
 - 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - 4) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;
 - 5) the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - 6) what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
 - b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective

- on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.
- c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
- 1) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - 2) Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.
- d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.
4. Emergency Removal. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal,

and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:
 - a. The complainant's request not to proceed with initiation of a complaint;
 - b. The complainant's reasonable safety concerns regarding initiation of a complaint;
 - c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
 - d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is a Board employee;
 - f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
 - h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the District from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.
 - a. The District will treat complainants and respondents equitably.

- b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - 1) When determining whether a reasonable extension of timeframes is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
 - 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
 - 3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.
- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
- f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 - 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
 3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.
 4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.

- a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;
 - 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
- b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
 - 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
 - 1) Dismissals may be appealed on the following bases:
 - a) Procedural irregularity that would change the outcome;
 - b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
 - c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

- 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
 - a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
 - b) The appeal decisionmaker must promptly notify the other party of the appeal;
 - c) The other party shall have five (5) school days, from receiving notice from the appeal decisionmaker to submit a written a statement in support of, or challenging, the outcome; and
 - d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:
 - a. The District's Title IX grievance procedures and availability of the informal resolution process;
 - b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
 - c. A statement that retaliation is prohibited; and
 - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:

- a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
 - b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
 - c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
 - d. *Disclosure of Evidence:* Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
 - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
 - 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
 - 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
 - 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
 - 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
 - e. *Only when using a bifurcated investigative model,* the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:

- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
- b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
- c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
- d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.

The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.

8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
 - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board’s policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District’s education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any

retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.

- b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
 - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

SECTION V: PREGNANCY OR RELATED CONDITIONS

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or parent or guardian with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal

access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

SECTION VI: RETALIATION

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

SECTION VII: RECORDKEEPING

The District will maintain for a period of seven (7) years:

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and
3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

SECTION VIII: TRAINING

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. *All employees.* All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained on the District's response to sex discrimination;

the District’s grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.

3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District’s recordkeeping system and the requirements recordkeeping under Title IX.

SECTION IX: FURTHER REPORTING

At any time, a complainant alleging sex discrimination may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Individuals may also make a report of 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).

7/29/2024

COMPLAINT FORM REGARDING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

Name of the complainant: _____

Date of the alleged conduct: _____

Name(s) of the alleged perpetrator(s): _____

Location where such conduct occurred: _____

Name(s) of any witness(es) to the conduct: _____

Detailed statement of the circumstances:

Remedy requested:

Signature: _____

Date: _____

Improve Completion Rates of the Free Application for Federal Student Aid (FAFSA)

1
2
3
4
5 The Madison Board of Education (the “Board”) understands that completion of the Free Application for Federal
6 Student Aid (“FAFSA”) is an important step in the path to postsecondary education and is associated with higher
7 rates of college enrollment. The Board is committed to improving the completion rates of the FAFSA for
8 students enrolled in the Madison Public Schools (the “District”).
9

10 In order to improve the completion rates of the FAFSA by students enrolled in grade twelve in the District, the
11 District shall develop a systematic program through which such students are educated about the purpose and
12 content of the FAFSA, encouraged to complete the FAFSA, and assisted in the completion of the FAFSA, as may
13 be necessary and appropriate. The Board directs the Superintendent or designee to develop administrative
14 regulations in furtherance of this policy. The Board directs the Superintendent or designee to conduct periodic
15 assessments of such regulations, at least annually, to determine effectiveness in improving completion rates of the
16 FAFSA.

FAFSA Graduation Requirements

17
18
19 Students graduating in 2025/2027 and beyond are required to have satisfied one of the following
20 prior to graduation:
21

- 22 (1) completed a FAFSA;
- 23 (2) for students without legal immigration status, completed and submitted to a public institution of
24 higher education an application for institutional financial aid; or
- 25 (3) completed a waiver of completion of the FAFSA and/or financial aid application, as applicable,
26 on a form prescribed by the Commissioner of Education, signed by the student’s parent or
27 guardian or signed by the student if the student is eighteen or older.
28

29 On and after March 15 of each school year, a principal, school counselor, teacher, or other
30 certified educator may complete the waiver on behalf of any student who has not satisfied the above
31 requirements if such principal, school counselor, teacher, or other certified educator affirms that they
32 have made a good faith effort to contact the parent/guardian or student about completion of such
33 applications.
34

35 Any information contained in a FAFSA, held by the Board, shall not be a public record for purposes of the
36 Freedom of Information Act and thus shall not be subject to disclosure under the provisions of section 1-210 of
37 the Connecticut General Statutes.
38

39 Each year, the Superintendent or designee will report to the Board the FASFA completion rate for each high
40 school in the District.

41

42 The Board may accept gifts, grants and donations, including in-kind donations, to implement the provisions of
43 this policy.

44

45 Legal Reference:

46

47 Conn. Gen. Stat. § 10a-11i

48 Conn. Gen. Stat. § 10-223m

49 Conn. Gen. Stat. § 10-221a

50

51 Conn. Gen. Stat. § 10-221z

52

53 Public Act No. ~~23-204~~24-45, “An Act Concerning Education Mandate Relief, School Discipline,
54 and Disconnected Youth”

55

56

57 Date of Adoption: November 29, 2022

#5220R

**Improve Completion Rates of the
Free Application for Federal Student Aid (FAFSA)**

In order to improve the completion rates of the Free Application for Federal Student Aid (“FAFSA”) by students enrolled in the Madison Public Schools (the “District”), the District will:

- Track data from such students regarding FAFSA completion, including date of completion.
- Identify FAFSA coaches who will be assigned a caseload of students to assist students in completing the FAFSA and monitor their completion rates.
- Provide incentives to students who have completed the FAFSA, which may include but are not limited to, spirit days and giveaways, if funding permits.
- Conduct annual presentations to students about the purpose and importance of the FAFSA and the District’s resources available to help students in completing the FAFSA.
- Provide professional development to identified District staff regarding the FAFSA and best practices for supporting students in completing the FAFSA.

Legal Reference:

[Conn. Gen. Stat. § 10-221a](#)

[Conn. Gen. Stat. § 10-221z](#)

[Conn. Gen. Stat. § 10-223m](#)

[Public Act No. 24-45, “An Act Concerning Education Mandate Relief, School Discipline, and Disconnected Youth”](#)

WEIGHTED GRADING, CALCULATION OF GRADE POINT AVERAGES AND RANK IN CLASS

The Madison Board of Education (the “Board”) recognizes the importance of parents and students understanding the manner in which grade point averages are calculated within the Madison Public Schools (the “District”). In accordance with Connecticut law, this policy shall explain the manner in which grade point averages are calculated within the District.

I. Calculation of Grade Point Average ~~and Class Rank Percentile~~ for Purposes of the Connecticut Automatic Admissions Program

The Board understands its obligation under state law to identify students in the District who are eligible for the Connecticut Automatic Admissions Program (“CAAP”).

In accordance with state law, for each student who completes eleventh grade, the District will: (1) calculate ~~a~~ the unweighted grade point average ~~using the standardized method established by the Board of Regents for Higher Education (“BOR”)~~ for purposes of the CAAP (“CAAP GPA”), and (2) determine whether such student’s ~~class rank percentile~~ CAAP GPA is above or below the minimum established by the Board of Regents for Higher Education (“BOR”). The District shall share a student’s CAAP GPA and whether the student is above or below the minimum ~~class rank percentile for the CAAP~~ established by the BOR with the student, the student’s parent or guardian, the Connecticut State Department of Education (“CSDE”), and, upon request, a participating institution for purposes of applying to such institution under the CAAP.

The District shall notify each student enrolled in the student’s final year of high school, and the parent or guardian of such student, whether the student may be admitted to at least one participating institution under the CAAP based on the academic threshold established by such institution.

~~The District shall calculate each student’s CAAP GPA, identify institutions to which students are eligible for automatic admission under the CAAP, and generate student letters in accordance with guidance issued by the CSDE, as such guidance may be amended from time to time.~~

II. Calculation of Grade Point Averages and Class Percentile Rank for All Other Purposes

The Board believes that, due to the rigorous nature of certain classes, the grades earned in such classes deserve additional weight for purposes of calculating grade point average and determining class rank. These rigorous classes include the following: honors classes, advanced placement classes, dual enrollment, dual credit or early college. Therefore, it is the policy of the Board to grant grades earned in such courses additional weight for the aforementioned purposes.

For all purposes other than qualifying students for the CAAP, a student’s grade point average shall be calculated in the following manner:

46 **Weighted GPA**

47 Weighted GPA is calculated using courses taken in grades 10-12. Freshman courses are not included.
 48 Weighted GPA is determined by the grade earned and the level designation of the course. A four-point
 49 scale (4.0) is used.

GPA by Level

Letter Grade	Level 1	Level 2
A+	5.33	4.33
A	5.00	4.00
A-	4.67	3.67
B+	4.33	3.33
B	4.00	3.00
B-	3.67	2.67
C+	3.33	2.33
C	3.00	2.00
C-	2.67	1.67
D	2.00	1.00
F	0.00	0.00

51
 52 **Unweighted GPA**

53 Unweighted GPA is calculated using all courses (grades 9-12) without regard to level. No additional
 54 weighting or points are added for Honors or Advanced Placement courses. A four-point scale (4.0) is
 55 used.

GPA System

A+	4.33
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D	1.00
F	0.00

57
 58 **III. Rank in Class**

59
 60 Rank in class is calculated using the Weighted GPA. The class rank, or decile, for a graduating student
 61 will not be officially reported on the student’s academic transcript. Daniel Hand High School will
 62 calculate rank for the purpose of determining which students are eligible for Senior Honors and for some
 63 scholarships and awards.

64
 65 Senior Honors are defined as the top ten ranking positions in the class for honors recognition and shall
 66 include the class valedictorian, salutatorian, class essayist, and senior scholars. If Daniel Hand High
 67 School has more than one student qualifying for top honors, the students tying for valedictorian honors
 68 will be named co-valedictorians. The next recipient will be named salutatorian followed by the class

69 essayist. Final Senior Honors Rank will be based upon six trimesters, beginning sophomore year, plus
70 the first and second trimesters of the student's senior year. An official Senior Honors Rank will be
71 provided to candidates during the third trimester of their senior year. For students who have not been at
72 Daniel Hand long enough for a Senior Honors Rank calculation, a Rank in Class is calculated for the
73 purpose of determining eligibility for some scholarships and awards. Transfer students should see their
74 guidance counselor for additional information.

75
76 If a situation exists which is not covered by this policy, it will be reviewed on a case by case basis by the
77 School Counseling Department and the building principal.

78
79 The Superintendent or designee shall be responsible for implementing this policy and developing
80 procedures in furtherance of this policy, if necessary.

81
82 Legal Reference:

83
84 Connecticut General Statutes § 10-220g

85
86 Connecticut General Statutes § 10-220q

87
88 Connecticut General Statutes § 10a-11h

89
90 ~~Connecticut State Department of Education, *Information and Resources to Support Connecticut*~~
91 ~~*School for the Connecticut Automatic Admissions Program (CAAP)*, available at~~
92 ~~[https://portal.ct.gov/SDE/Performance/Information-and-Resources-to-Support-Connecticut-](https://portal.ct.gov/SDE/Performance/Information-and-Resources-to-Support-Connecticut-Schools-for-CT-Automatic-Admissions-Program)~~
93 ~~[Schools-for-CT-Automatic-Admissions-Program](https://portal.ct.gov/SDE/Performance/Information-and-Resources-to-Support-Connecticut-Schools-for-CT-Automatic-Admissions-Program)~~

94
95 ~~[Public Act 24-47, “An Act Modifying the Connecticut Automatic](#)~~

96
97

RESCIND - CURRENT POLICY

#5128 Rank in Class

The class rank, or decile, for a student will not be officially reported on the student's academic transcript. Daniel Hand High School will calculate rank for the purpose of determining which students are eligible for Senior Honors and for some scholarships and awards. Rank in class is based upon the quality of work rather than on the quantity of credits. Rank in class is calculated by ranking each student's weighted grade point average as described in the Student Handbook. All English, science, social studies, mathematics, and world language courses as well as all other leveled courses will be included in rank in class calculations.

FINAL RANK IN CLASS: Final Rank in Class applies to students completing their high school course of studies at Daniel Hand High School without interruption. Final Rank in Class is based on nine trimesters of study and is calculated by ranking each student's weighted grade point average as described in the Student Handbook.

SENIOR HONORS: Senior Honors Rank is based upon six trimesters plus the first and second trimesters of the student's senior year. In order to qualify for Senior Honors, a student must complete a minimum of eight trimesters at Daniel Hand High School including his / her junior and senior years. An official Senior Honors Rank will be provided to candidates during the third trimester of their senior year.

Senior Honors are defined as the top ten ranking positions in the class for honors recognition and shall include the class valedictorian, salutatorian, class essayist, and senior scholars. If Daniel Hand High School has more than one student qualifying for top honors, the students tying for valedictorian honors will be named co-valedictorians. The next recipient will be named salutatorian followed by the class essayist.

RESCIND - CURRENT POLICY

RANK IN CLASS – TRANSFER STUDENTS: For transfer students, course work completed at a previous school(s) (two semesters maximum) will be interpreted by the students' Guidance Counselor and included with their courses in grades 10-12 at Daniel Hand High School to provide these students with a rank, if needed. Transfer students must meet the criteria above for Senior Honors to be considered for Senior Honors.

If a situation exists which is not covered by this policy, it will be reviewed on a case by case basis by the Guidance Department and the building principal.

Date of Adoption: 5/15/90
Date of Revision: 8/15/2013
Date of Revision: 11/4/2014

IDEA – Alternative Assessments

INDIVIDUALS WITH DISABILITIES EDUCATION ACT - ALTERNATIVE
ASSESSMENTS FOR STUDENTS WITH DISABILITIES FOR STATEWIDE AND
DISTRICT-WIDE ASSESSMENTS

The Madison Board of Education will, in all respects, comply with the requirements of state and federal law with regard to the special education of students with disabilities. Decisions about whether a student with a disability eligible for special education and related services under the Individuals with Disabilities Education Act shall participate in alternative assessment(s) to particular statewide or district-wide assessments shall be made by each student’s planning and placement team in accordance with applicable state and federal law.

Legal References:

Conn. Gen. Stat. § 10-14q

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*

34 C.F.R. § 300.320 *et seq.*

Connecticut Alternate Assessment (CTAA) Test Administration Manual, English Language Arts and Mathematics (Dec. 9, 2019), *available at* <https://ct.portal.cambiumast.com/core/fileparse.php/51/urlt/CTAA-Test-Administration-Manual-TAM.pdf>.

CTAA and Alternate Science Learner Characteristics Inventory (LCI), *available at* <https://portal.ct.gov/-/media/SDE/Student-Assessment/Special-Populations/LCI.pdf?la=en>.

#6080.1**Educating Students With Special Needs**

The Board of Education recognizes each student is unique, and, although for most students the core educational program is appropriate, some students have exceptional needs that cannot be met without additional special services. Therefore, the district shall provide special programs and services for all students whether these needs are academic, physical, emotional, psychological, or sociological.

General Principles for Programming

The Madison Board of Education requires the administration and staff, under the direction of the Superintendent, to . . .

- A. develop a comprehensive plan of compliance with all of the requirements of federal and state law for the education of students with special needs who attend district schools.
- B. develop and promulgate regulations and procedures to identify students with special needs; and
- C. develop plans for assessment and evaluation of specific needs of each student identified to have special needs. The assessment plan shall be a description in ordinary language of procedures, tests, records, or reports proposed for use in student assessments.

Legal Reference:	Connecticut General Statutes
	10-76a Definitions.
	10-76b State supervision of special education programs and services.
	10-76c Receipt and use of money and personal property.
	10-76d Duties and powers of boards of education to provide special education programs and services.

#6080.1 (continued)

10-76d(a)	Identification of school age children needing special education.
10-76e	School construction grant for cooperative regional special education facilities.
10-76f	Definition of terms used in formula for state aid for special education.
10-76g	State aid for special education.
10-76h	Special education hearing and review procedure. Mediation of disputes.
10-76i	Advisory council for special education.
10-76j	Five-year plan for special education.
10-76k	Development of experimental educational programs.
10-76m	Auditing claims for special education assistance.
State Board of Education Regulations	
10-76a-1 et seq.	Definitions.
10-76d-1 to 10-76d-19	Conditions of Instruction.
10-76h-1 to 10-76h-2	Due process.
10-76I-1	Program Evaluation.
10-145a-24 to 10-145a-31	Special Education (re teacher certification).
34 C.F.R. 3000	Assistance to States for Education for Handicapped Children.

Date of Adoption: November 7, 1996

#6090.10**Individualized Education Program/Special Education Program**

Any child, whether a student of the school district, of pre-school age, or between the ages of 3 and 21 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

A parent of a child, the State Department of Education, and other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 45 school days. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law.

The District will provide parents/guardians with State Department of Education procedural safeguards and the State Restraint/Seclusion Policy as soon as a child is identified as requiring special education.

Planning and Placement Team or Individualized Education Program Team

The term "individualized education program team" or "IEP Team" means a group of individuals composed of -

- (i) the parents of a child with a disability;
- (ii) one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) one special education teacher;

#6090.10 (cont'd.)

(iv) a representative of the local educational agency who -

(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(II) is knowledgeable about the general education curriculum; and

(III) is knowledgeable about the availability of resources of the local educational agency;

(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;

(vii) the school paraprofessional, if any, assigned to such child, and

(viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

#6090.10 (cont'd.)

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and can invite the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, conference calls.

A. General. The IEP for each child must include:

1. An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including :
 - (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

#6090.10 (cont'd.)

2. A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to:

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;

(ii) Meeting each of the child's other educational needs that result from the child's disability; and

(iii) Providing a meaningful opportunity for the child to meet challenging objectives.

Alternate Assessments

(iii) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

3. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child:

(i) To advance appropriately toward attaining the annual goals;

#6090.10 (cont'd.)

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.

4. A school must offer an IEP that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The child’s educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child’s:

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child’s progress, and Parent’s input and any additional information provided by such parents.

The U.S. Supreme Court, in the Endrew F decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99).

5. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;

6. (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment;

#6090.10 (cont'd.)

7. The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

8. A statement of :
 - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

 - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -
 - a. Their child's progress toward the annual goals; and

 - b. The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year

9. Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

NOTE: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and maybe progress in, the general education curriculum ("the same curriculum as for nondisabled children which is

#6090.10 (cont'd.)

based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.”)

B. Transition services

1. The IEP must include -

(i) For each student beginning not later than the first IEP to be in effect when the child is sixteen, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals:

(iii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.

2. If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

C. Transfer of rights. Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been

#6090.10 (cont'd.)

informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)

D. Students with disabilities convicted as adults and incarcerated in adult prisons. Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.

E. Students with disabilities identified as deaf or hearing impaired. For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;

(i) the child's primary language or mode of communication;

(ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;

(iii) educational options available to the child;

(iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;

(v) the accessibility of academic instruction, school services and extracurricular activities to the child;

(vi) assistive devices and services for the child; and

(vii) communication and physical environment accommodations for the child.

#6090.10 (cont'd.)

Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District. All neuropsychological, psychiatric, and assistive technology evaluations must include a classroom observation.

Legal Reference: Connecticut General Statutes

10-76a Definitions

10-76b State supervision of special education programs and services.
Regulations. (as amended by PA 12-173)

10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277)

#6090.10 (cont'd.)

10-76ff Procedures for determining if a child requires special education

10-76g State aid for special education.

10-76h Special education hearing and review procedure.

PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Rowley v. Board of Education, 485 U.S.-176 (1982)

Andrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

Policy adopted: April 1, 1997
Policy revised: August 28, 2018

Parent-Teacher Communication

The Madison Board of Education (the “Board”) believes that parents should be knowledgeable about the education that the Madison Public Schools (the “District”) provides to enrolled students. The Board believes that parents are most knowledgeable when they have regular communication with teachers. Therefore, it is the policy of the Board to encourage parent-teacher communication. The Superintendent or designee shall be responsible for developing procedures in furtherance of this policy.

The Superintendent is further required to include information about parental involvement and actions taken to improve parental involvement in the strategic school profile that is submitted annually to the Board and Commissioner of Education. Such actions to improve parental involvement may include methods to engage parents in the planning and improvement of school programs and to increase support to parents working at home with their children on learning activities.

The procedures developed in furtherance of this policy may include monthly newsletters, required regular contact with all parents, drop-in hours for parents, home visits, and the use of technology such as homework hot lines to allow parents to check on their children’s assignments and students to receive assistance if needed.

Such procedures shall require the District to conduct two flexible parent-teacher conferences for each school in each year. Teachers should be prepared to give after-school or pre-school time for conferences when requested by parents/guardians. In addition, the procedures shall require the District to offer parents the option of attending parent-teacher conferences by telephonic, video, or other conferencing platform.

Legal reference:

Connecticut General Statutes:

§ 10-220(c) Duties of Boards of Education

§ 10-221(fg) Boards of Education to prescribe rules, policies and procedures

**#6110 Regulation
Parent-Teacher Communication**

1
2
3
4
5 The Madison Board of Education (the “Board”) believes that parents should be knowledgeable about the
6 education that the Madison Public Schools (the “District”) provides to enrolled students. The Board
7 believes that parents are most knowledgeable when they have regular communication with teachers. In
8 accordance with the Board’s Parent-Teacher Communication policy, the administration has adopted the
9 following procedures:

- 10
11 1. Each school shall regularly communicate with parents through school-based e-Notify messages.
12 Additionally, schools shall hold Parent Teacher Organization (PTO) meetings that are noticed
13 and open to the school community.
14
15 2. The District shall conduct two flexible parent-teacher conferences for each school in each year.
16 Parents shall have the option of attending parent-teacher conferences by telephonic, video, or
17 other conferencing platform.
18
19

**#6110.1.3.1
Parent Conferences**

Close communication between home and school is an important factor in establishing a highly effective school program. Conferences between parents and teachers are an important way to bring about understanding and close cooperation between the home and school. Conferences with all parents should be encouraged, not just with those where academic or other problems suggest the need for closer communication.

Conferences between parents and teachers regarding a child should be treated by the teacher as an opportunity to help the child and every effort should be made to make the conference constructive, objective, and pleasant. Conferences should provide an opportunity for a mutual exchange of information and ideas for the welfare of the child.

Teachers should be prepared to give after-school or pre-school time for conferences when requested by parents.

Parent-teacher conferences to discuss student progress and performance are scheduled each year in conjunction with report card / portfolio overviews. These may be arranged for certain days when classes are dismissed early and conferences are held in the afternoon / evening or before or after school at the convenience of parents and teachers. In addition to scheduled conferences, teachers are expected to request additional conferences with parents as the need may indicate.

The principal or supervisor should be present at any parent-teacher conference when requested.

Date of Adoption: June 23, 1998

Fire Drills / Crisis Response Drills

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3
4 A fire drill shall be held at least once a month in each school building. The initial fire drill must be held
5 not later than thirty days after the first day of each school year. A crisis response drill shall be
6 substituted for one of the required monthly school fire drills every three months. Each ~~building~~
7 Principals school security and safety committee shall prepare a definite fire emergency plan, and furnish
8 to all teachers and students information as to route and manner of exit. ~~Fire drills shall be planned in~~
9 ~~such a way as to accomplish the evacuation of school buildings in the shortest possible time and in the~~
10 ~~most efficient and orderly fashion.~~

11
12 The format of the crisis response drill shall be developed in consultation with the appropriate local law
13 enforcement agency. Further, a representative of the law enforcement agency may supervise and
14 participate in any of the required crisis response drills. Such drills shall incorporate the basic protocols
15 of lockdown, evacuation and shelter-in-place responses. ~~The activation and utilization of the Incident~~
16 ~~Command System shall also be a part of the crisis response drills.~~

17
18 Principals shall keep a record of all fire and crisis response drills held in their schools, ~~stating the date~~
19 ~~the drill was held and the time required for the response protocols utilized in the drill.~~ A copy of the
20 record shall also be filed in the Office of the Superintendent.

21
22 Local law enforcement and other public safety officials including the local emergency management
23 director, fire marshal, building inspector and emergency medical services representative shall each
24 evaluate, score and provide feedback on a representative sample of fire drills and crisis response drills at
25 each school in the district. By July 1st of each year, the Board shall submit a report to the Department of
26 Emergency Management Homeland Security Regional Coordinator regarding types, frequency and
27 feedback related to the fire drills and crisis response drills.

28 ~~Local law enforcement and other local public safety officials may evaluate, score and provide feedback~~
29 ~~on fire drills and crisis response drills conducted pursuant to Connecticut General Statutes 10-231.~~

30 ~~(cf. 5-120—Student Welfare / Safety)~~

31 ~~(cf. 5-190—Crisis Management Plan)~~

32
33
34 Legal Reference: Connecticut General Statutes
35 10-231 Fire drills. Crisis Response Drills ~~(as amended by PA 00-220 and PA 09-131)~~

36 Policy adopted: October 7, 2014
37

Graduation Requirements

In order to satisfy the high school graduation requirements within Madison Public Schools, a student must have satisfactorily completed the prescribed courses of study; demonstrated proficiency in basic skills identified by the Madison Board of Education (the "Board"); and satisfied the legally mandated number and distribution of credits required to graduate from high school.

These requirements, as documented below, are considered by the Board to constitute a solid educational foundation for high school students. However, the Board endorses and encourages an expanded course of study beyond these minimum requirements that includes, but is not limited to, the following: interdisciplinary studies and student projects, including senior projects; student community service activities; technology-based and distance learning courses and activities; and other such curricula and courses as might be expected for high schools in the 21st century.

Requirements for Enrollment and Promotion and Graduation

- (1) Students in grades 9, 10, and 11 are required to enroll in six and one-half (6.5) credits each year. They may take up to seven and one-half (7.5) credits if their schedule permits them to do so. The minimum enrollment requirement for seniors is six (6) credits. The students must earn four and one-half (4.5) credits during their senior year in order to be eligible for graduation, regardless of previously earned credits.
(2) The minimum requirements for promotion are as follows:
- Grade 10 status, six (6) credits must be earned
- Grade 11 status, twelve (12) credits must be earned
- Grade 12 status, eighteen (18) credits must be earned
(3) Students must complete all requirements in order to participate in graduation exercises.

Required Coursework and Credits for Graduation

The Board conforms with state law regarding credits for graduation from high school. For classes graduating in 2023 and thereafter, the following 25 credits are required at a minimum:

Table with 2 columns: Course Category and Credits. Rows include Humanities (9.0 Credits), STEM: Science, Technology, Engineering, and Math (STEM) (9.0 Credits), Physical Education (1.0 Credit), and Health and Wellness (1.0 Credit).

41		
42	World Languages	1.0 Credit
43		
44	Mastery-Based Diploma	0.5 Personal Finance Credit
45		0.5 Independent Project Credit
46		
47	Career & Technical Education	1.0 Credit
48		
49	Art, Music, or Theater	1.0 Credit
50		
51	Elective	1.0 Credit
52		

53 A credit is defined as not less than the equivalent of a forty (40) minute class period for each school day
54 of a school year except for a credit or part of a credit toward high school graduation earned through a
55 manner otherwise detailed in this policy.

56
57 Only courses taken in grades nine to twelve inclusive, and that are in accordance with the state-wide
58 subject matter content standards, adopted by the State Board of Education, shall satisfy the above
59 graduation requirements, except that the Board will grant a student credit under the following additional
60 circumstance:

61
62 High school graduation credit will be granted to students for coursework completed during the school
63 year or summer months at an institution accredited by the Board of Regents for Higher Education or
64 Office of Higher Education or regionally accredited. One three-credit semester course, or its equivalent,
65 at such an institution shall equal one-half credit for purposes of this policy.

66
67 Credit Requirement Exemptions

68 A student who presents written documentation from a physician, advanced practice registered nurse, or
69 physician assistant, stating that participation in physical education is not advisable because of the
70 physical condition of the student, shall be excused from the physical education requirement. In such a
71 case, another subject must be substituted.

72
73 Any student who is deaf or hearing impaired may be exempted from any world language graduation
74 requirement if the student’s parent or guardian requests such exemption in writing.

75
76 Demonstration of Proficiency in Basic Skills

77 In addition to meeting the coursework and credit graduation requirements listed above, to graduate high
78 school, each student must demonstrate proficiency in the basic skills.

79
80 **Mathematics Standard**

81 Students may meet this standard in one of the following ways:

- 82 1. Meeting the state benchmark for the Math SAT.
- 83 2. Achieving a combined average in the C range for three or more math courses.
- 84 3. Satisfying the requirements as designated on the IEP for qualifying students.

85

86 **Reading and Writing Standard**

87 Students may meet this standard in one of the following ways:

- 88 1. Meeting the state benchmark for the Evidence-Based Reading & Writing (ERW) SAT.
- 89 2. Achieving a combined average in the C range for three or more English courses.
- 90 3. Producing a portfolio of written work in class that will be evaluated by a panel of teachers
- 91 related to reading and writing.
- 92 4. Satisfying the requirements as designated on the IEP for qualifying students.

93

94 The Board of Education will provide adequate student support and remedial services for students
95 beginning in grade seven. Such student support and remedial services shall provide alternate means for a
96 student to complete any of the high school graduation requirements, previously listed, if such student is
97 unable to satisfactorily complete any of the required courses or exams. Such student support and remedial
98 services shall include, but not be limited to, (1) allowing students to retake courses in summer school or
99 through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state
100 system of higher education, allowing students who received a failing score, as determined by the
101 Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and
102 (3) allowing those students whose individualized education plans state that such students are eligible for
103 an alternate assessment to demonstrate competency on any of the five core courses through success on
104 such alternate assessment.

105

106 FAFSA Requirement for Classes Graduating in 2027 and Thereafter

107

108 Students graduating in 2027 and beyond are required to have satisfied one of the following prior to
109 graduation:

110

- 111 (1) completed a FAFSA;
- 112 (2) for students without legal immigration status, completed and submitted to a public institution of
113 higher education an application for institutional financial aid; or
- 114 (3) completed a waiver of completion of the FAFSA and/or financial aid application, as applicable,
115 on a form prescribed by the Commissioner of Education, signed by the student's parent or
116 guardian or signed by the student if the student is eighteen or older.

117

118 On and after March 15 of each school year, a principal, school counselor, teacher, or other certified
119 educator may complete the waiver on behalf of any student who has not satisfied the above requirements

120 if such principal, school counselor, teacher, or other certified educator affirms that they have made a
121 good faith effort to contact the parent/guardian or student about completion of such applications.

122

123 Graduation During Period of Expulsion

124 A student may graduate during an expulsion period if the Board determines that the student has
125 completed the necessary credits required for graduation.

126

127 Legal References:

128

129 Conn. Gen. Stat. § 10-14n

130

131 Conn. Gen. Stat. § 10-16b

132

133 Conn. Gen. Stat. § 10-221a

134

135 [Conn. Gen. Stat. § 10-221z](#)

136

137 Conn. Gen. Stat. § 10-223a

138

139 Public Act No. [24-45](#), “An Act Concerning [Education Mandate Relief, School Discipline, and](#)
140 [Disconnected Youth](#)”

141

142

#6146**Graduation Requirements**

The Board of Education recognizes its responsibility to communicate expectations for graduation requirements for the students who attend and graduate from Daniel Hand High School. To that end, this policy has been developed to document the graduation requirements in keeping with the State of Connecticut general statutes that govern such matters.

These requirements, as documented below, are considered by the Board of Education to constitute a solid educational foundation for high school students. However, the Board endorses and encourages an expanded course of study beyond these minimum requirements that includes, but is not limited to, the following: interdisciplinary studies and student projects, including senior projects; student community service activities; technology-based and distance learning courses and activities; and other such curricula and courses as might be expected for high schools in the 21st century.

The Board encourages the Superintendent, administration, and staff to focus their efforts on such program expansion as would effectively enhance learning opportunities for students beyond these minimum graduation requirements.

General Statement of Requirements for Graduation

For graduation from the district's public schools, students must:

1. Satisfactorily complete a rigorous academic Program of Study;
2. Achieve specific academic performance goals in each content area; and
3. Fulfill the legally mandated number and distribution of credits.

The detailed requirements and standards for graduation listed below agree with the goals of our schools adopted by the Board of Education. The faculty shall apply measures of achievement to provide evidence that each student has completed these requirements for graduation according to the terms of paragraph #1 above.

Additionally, in recognition of its responsibility for the education of all youths in the school system, including those who drop out of school, the Board of Education shall provide alternative programs that will enable them to acquire a high school or vocational school diploma.

Specific High School Credit Requirements

A graduate of the Madison Public Schools must have earned a minimum of twenty-four (24) credits and must have met the credit distribution requirement. Students must have met performance standards in the following: reading, writing and mathematics.

1. Requirements for Enrollment and Promotion and Graduation:

(a) Students in grades 9, 10, and 11 are required to enroll in six and one-half (6.5) credits each year. They may take up to seven and one-half (7.5) credits if their schedule permits them to do so. The minimum enrollment requirement for seniors is six (6) credits. The students must earn four and one-half (4.5) credits during their senior year in order to be eligible for graduation, regardless of previously earned credits.

(b) The minimum requirements for promotion are as follows:

- Grade 10 status, six (6) credits must be earned
- Grade 11 status, twelve (12) credits must be earned
- Grade 12 status, eighteen (18) credits must be earned

(c) Students must complete all requirements in order to participate in graduation exercises.

2. Credit Distribution Requirements:

Effective September 2002 (class of 2006), graduation requirements are expanded to include the following:

- English: Not fewer than four and one-half (4.5) credits
- Social Studies: Not fewer than three and one-half (3.5) credits. One (1) must be United States History and one-half (.5) in Civics and American Government

- Science: Not fewer than three (3) credits
- Mathematics: Not fewer than three and one-half (3.5) credits
- Physical Education: Not fewer than one and one-quarter (1.25) credits
- Arts or Music: Not fewer than one (1) credit
- Applied Education: Not fewer than one (1) credit
- Health: Not fewer than one (1) credit

Of the remaining five (5) elective credits, two must be part of a planned program reflecting exploratory interest in the areas of focus (Career Cluster Sequences) contained in the Daniel Hand High School Program of Studies.

Commencing with the graduating class of 2023 (beginning with the incoming class of 2019-2020) and for each graduating class thereafter, in order to graduate and be granted a diploma, students must satisfactorily complete a minimum of twenty-five (25) credits, including not fewer than (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages and (6) a one credit mastery-based diploma assessment.

In addition, also beginning with the graduating class of 2023, the Board of Education will provide adequate student support and remedial services for students beginning in grade seven (2017-2018 school year). Such student support and remedial services shall provide alternate means for a student to complete any of the high school graduation requirements, previously listed, if such student is unable to satisfactorily complete any of the required courses or exams. Such student support and remedial services shall include, but not be limited to, (1) allowing students to retake courses in summer school or through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state system of higher education, allowing students who received a failing score, as determined by the Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and (3) allowing those students whose individualized education plans state that

such students are eligible for an alternate assessment to demonstrate competency on any of the five core courses through success on such alternate assessment.

3. District Performance Standards

(a) Mathematics Standard

Students may meet this standard in one of the following ways:

1. Meeting the state benchmark for the math SAT.
2. Achieving a combined average in the C range for three or more math courses.
3. Satisfying the requirements as designated on the IEP for qualifying students.

(b) Reading & Writing Standard

Students may meet this standard in one of the following ways:

1. Meeting the state benchmark for the Evidence-Based Reading & Writing (ERW) SAT.
2. Achieving a combined average in the C range for three or more English courses.
3. Producing a portfolio of written work in class that will be evaluated by a panel of teachers related to reading & writing.
4. Satisfying the requirements as designated on the IEP for qualifying students.

4. Repeating Courses:

The following policy applies to courses being repeated due to failure:

- (a) Students who repeat a course due to failure will have both courses counted in class rank calculations. Both courses will appear on the students' permanent record card.

6. Notification Guidelines:

Effective communication is a key ingredient to success in school. The responsibility for this communication must be shared by school personnel, the student and his / her parents or legal guardians. To this end, teachers will complete reports for all students at the mid-point and end of each trimester.

Per statute (C.G.S. 221a(f)) the determination of eligible credits is at the discretion of the Board of Education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. The Board may permit a student to graduate during a period of expulsion if the Board determines the student has satisfactorily completed the necessary credits. The graduation requirements shall apply to any student requiring special education except when the Planning and Placement Team (PPT) determines the requirement not to be appropriate.

The Board of Education shall award a high school diploma to any World War II veteran or veteran of the Korean Hostilities or Vietnam Era veteran requesting such diploma who left high school for military service as defined in the statutes.

(cf: Policy #5070: Promotion / Acceleration / Retention)

(cf: Policy #6146.2 - Credit for Online Courses)

Legal Reference: Connecticut General Statutes

10-14n Statewide mastery examination conditions for reexamination. Limitation on use of test results.

10-16(l) Graduation exercises.

10-221a High school graduation requirements (As amended by P.A. 00-124, An Act Concerning High School Diplomas and Veterans of World War II and P.A. 00-156, An act Requiring a Civics Course for High School Graduation).

10-223a and b An Act Concerning the Connecticut Academic Performance Test.

Date of Adoption: February 2, 1999
Date of Revision: June 20, 2002
Date of Revision: June 16, 2015
Date of Revision: October 18, 2016
Date of Revision: November 12, 2019
Date of Revision: May 5, 2020

Pesticide Application on School Property

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It is the policy of the Madison Board of Education to implement an integrated pest management plan to reduce the amounts of pesticides applied in any building, or the grounds of any Madison public school, by using all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

The decision to apply pesticide in any building, or the grounds of any Madison public school is dependent on results of periodic monitoring for pest populations to determine if a pest problem exists that exceeds acceptable threshold levels.

No application of pesticide shall be made in any building, or the grounds of any Madison public school during regular school hours or during planned activities at any school, except as provided by Connecticut statute or regulation.

Parents or guardians of children in any school and/or staff members in any school may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice, and shall provide notice to registered individuals in accordance with applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members in the event of a threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a pesticide be made during regular school hours or during planned activities at school without prior notice to parents or guardians of children and/or staff members in any school in the event of an immediate threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

There shall be no application of any lawn care pesticide on the grounds of any school with students in grade eight (8) or lower, except on an emergency basis, subject to applicable Connecticut statutory and regulatory provisions.

Legal References:

Connecticut General Statutes:

- §10-231a
- §10-231b
- §10-231d

#1130 Regulation

Pesticide Application on School Property

A. Definitions:

1. **Pesticide**: means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait.
2. **Lawn Care Pesticide**: means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas. “Lawn care pesticide” does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 C.F.R. § 152.25, as amended from time to time.
3. **Integrated Pest Management**: means use of all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.
4. **Restricted Use Pesticide**: means any pesticide or pesticide use classified as restricted by the administrator of the United States Environmental Protection Agency or by the Connecticut Commissioner of Environmental Protection.
5. **Microbial Pesticide**: means a pesticide that consists of a microorganism as the active ingredient.
6. **Biochemical Pesticide**: means a naturally occurring substance that controls pests by nontoxic mechanisms.

B. Integrated Pest Management Plan:

1. The district’s integrated pest management plan shall be consistent with the model pest control management plan developed by the Connecticut Commissioner of Environmental Protection pursuant to Section 22a-66l of the Connecticut General Statutes.
2. At the beginning of each school year, the district shall provide the staff of each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statement shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for notice of pesticide applications at the school,

46 and (2) describe the emergency notification procedures provided for in this section.
47 Notice of any modification to the integrated pest management plan shall be sent to any
48 person who registers for notice under this section.
49

50 C. Notice of Pesticide Application to Those Who Request Such Notice:
51

- 52 1. Parents or guardians of children in any school and/or staff members in any school may
53 register for prior notice of pesticide application at their school.
54
- 55 2. Each school shall maintain a registry of persons requesting such notice.
56
- 57 3. Parents or guardians of children in any school and/or staff members in any school who
58 register for prior notice of pesticide application at their school shall be provided notice,
59 by any means practicable, of each scheduled pesticide application at their school on or
60 before the day that any application of pesticide is to take place.
61
- 62 4. The notice shall include the following information:
63
 - 64 a. The name of the active ingredient of the pesticide being applied;
 - 65 b. The target pest;
 - 66 c. The location of the application on school property;
 - 67 d. The date of the application; and
 - 68 e. The name of the school administrator, or designee, who may be contacted for
69 further information.
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75 D. Notice of Pesticide Application by Electronic Means:
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- 78 1. Prior to providing for any application of pesticide within any building or on the grounds
79 of any school, in addition to the notice requirements in Section C, above, the district shall
80 provide for notice of such application not less than twenty-four (24) hours prior to such
81 application by posting the notice required in Section C, above, either on or through: (a)
82 The home page of the Internet web site for the school where such application will occur,
83 or, if the school does not have a web site, on the home page of the district's Internet web
84 site, and (b) the primary social media account of such school or the district. For purposes
85 of these administrative regulations and Section 10-231d of the Connecticut General
86 Statutes, "social media" means an electronic medium where users may create and view
87 user-generated content, such as uploaded or downloaded videos or still photographs,
88 blogs, video blogs, podcasts or instant messages.
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- 90 2. The district shall indicate on its home page how parents may register for prior notice of
91 pesticide applications, as described in Section C, above.

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3. Not later than March 15 of each year, each school or the district shall send through its e-mail notification or alert system or service the notice required by Section C, above, for applications made since January 1 of that year and a listing of such notices for applications made during the March 15 through December 31 timeframe from the preceding calendar year.
4. The district shall additionally print such e-mail notification required by this section in the applicable parent handbook or manual, although the reprinting of such handbook or manual shall not be required to provide such notification.
5. Nothing in these administrative regulations shall require the development or use of an Internet web site, social media account or e-mail notification or alert system by a school or the district that is not already in use or existence prior to October 1, 2015.

E. Emergency Pesticide Application:

1. In the event of a threat to human health, the Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members.
2. In the event of an immediate threat to human health, the Superintendent may direct that an emergency application of a pesticide be made, during regular school hours or during planned activities at school, without prior notice to parents or guardians of children in any school and/or staff members. Such application may only be made if (a) it is necessary to make the application during such period, and (b) such emergency application does not involve a restricted use pesticide.
3. In the event of such emergency application, no child may enter the area of such application until it is safe to do so according to the provisions on the pesticide label.
4. In the event of such emergency application, the provision set forth below in Section G regarding authorized pesticide applicators shall not apply if the Superintendent determines that it is impractical to obtain the services of any such applicator, provided that the application does not involve a restricted use pesticide.

F. Record of Pesticide Application:

1. A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five (5) years, which record shall include the information required by Section 22a-66a of the Connecticut General Statutes, as it may be amended from time to time.

G. Authorized Pesticide Applicator:

137 1. No person, other than a pesticide applicator with supervisory certification under Section
138 22a-54 of the Connecticut General Statutes or a pesticide applicator with operational
139 certification under Section 22a-54 under the direct supervision of a supervisory pesticide
140 applicator, may apply pesticide within any building or on the grounds of any school
141 within the district. *[Other than a regional vocational agriculture center].*
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143 H. Prohibition on Use of Lawn Care Pesticides at District Schools with Students through Grade 8:
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145 There shall be no application of any lawn care pesticide on the grounds of any school with
146 students in grade eight (8) or lower, except on an emergency basis, subject to applicable
147 Connecticut statutory and regulatory provisions and the conditions set forth above.
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149 Legal References:

150 Connecticut General Statutes:

- 151 § 10-231a
- 152 § 10-231b
- 153 § 10-231d
- 154 § 22a-47
- 155 § 22a-54
- 156 § 22a-66a
- 157 § 22a-66l

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159 United States Code:

160 Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.

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162 Code of Federal Regulations:

163 40 C.F.R. § 152.25
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Hazardous Material in Schools

Pest Management / Pesticide Application

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property and the environment. Pests are living organisms such as plants, animals or microorganisms, that interfere with human uses for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment. Further, the Board also believes that pesticides can also pose hazards to people, property and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff and all others using district buildings and grounds. The goal of this pest management program is to manage pests in order to:

- Reduce any potential human health hazard and/or to protect against a significant threat to public safety;
- Prevent loss or damage to school structures or property;
- Enhance the quality of life and to provide a safe and healthy learning environment for students, staff and others.

The school district shall incorporate Integrated Pest Management procedures (IPM) to manage structural and landscape pests and the toxic chemicals for their control in order to alleviate pest problems with the least possible hazard to people, property and the environment. In addition, staff, students and the public shall be educated, at least annually, about potential school pest problems and the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard.

IPM procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural or biological means. Chemical controls shall be used as a last resort. The Board establishes that the school district shall use pesticides only after consideration of the full range of alternatives, including no action, based upon an analysis of environmental effects, safety, effectiveness and costs and after consultation with the Town Health Officer. The Superintendent or his / her designee shall be responsible to implement Integrated Pest Management (IPM) procedures and to coordinate communications with members of the staff who are responsible for pest control, such as maintenance personnel and custodians, and hired contractors when utilized by the district to control a pest problem. The Director of Facilities shall be designated as the IPM supervisor and shall direct and supervise all IPM procedures to be carried out by assigned maintenance and / or custodial staff.

All district employees who use chemicals to control a pest problem must be trained and shall follow all precautions and application regulations. The District will only employ certified pesticide applicators for any necessary and non-emergency pesticide use in school building or on school grounds. Contractors hired to do this work shall give evidence of appropriate training and certification in the proper use of pesticides. Pest control contractors shall be utilized, when deemed necessary, to inspect for conditions conducive to pest problems and to develop appropriate prevention measures. Pest control contractors will be expected to write recommendations for structural improvements or repairs and housekeeping and sanitation measures required to reduce or prevent recurrence of pest problems.

Someone other than a certified pesticide applicator may apply a pesticide in an emergency to eliminate an immediate human health threat when (1) it is impractical to obtain the services of a certified pesticide applicator and (2) a restricted use pesticide is not used.

Whenever it is deemed necessary to use a chemical substance, that school must provide notification to all parents and staff who have registered for advanced notification in conformity with state statutes. Parents / guardians and staff requesting advanced notification must be notified on the day of such use by any method practicable. Notices shall also be posted in designated areas at school at least twenty-four (24) hours prior to the application.

At the beginning of each school year and at the time a student is registered, parents / guardians shall be informed of the District's pest management policy. Those parents / guardians and staff who register a request shall be notified prior to every pesticide application.

Information regarding pesticides used and areas treated shall be maintained for a period of five years at the school site and available to the public and staff upon request. The district shall establish and maintain accurate records of all chemical use and their location. In addition, records of all pest control actions including information on indicators of pest activity that can verify the need for action.

Pesticide applications shall be limited to non-school hours and when activities are not taking place.

Beginning January 1, 2006 the application of lawn care pesticides on the grounds of schools with students in grades 8 or lower must be according to an integrated pest management plan (IPM). Such application is prohibited starting July 1, 2009 except in emergencies. An emergency application may be made to eliminate a human health threat in any school with students through grade 8 as determined by the Superintendent of Schools.

Legal Reference: Connecticut General Statutes

10-231b. Pesticide applications at schools: Authorized applicators. Exception.

10-231c. Pesticide applications at schools without an integrated

22a-46. Short title: Connecticut Pesticide Control Act.

22a-54. Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators.

22a-58. Records to be kept by distributors and applicators.

23-61b. Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code 136 et seq.

Date of Adoption: November 4, 1999

Date of Revision: February 8, 2006

Date of Revision: August 21, 2007