

Policy Committee Meeting  
Tuesday, October 29, 2024 4:30 PM

Zoom  
10 Campus Drive  
Madison, CT 06443

## **Meeting Agenda**

### I. Rescind:

- 6080 Educating Students in the Core Educational Program
- 6080.13 Teaching About Religion
- 6080.20.1 Remedial Instruction
- 6080.22 Homebound/Hospital Instruction
- 6080.29.3 Career and Vocational Education

### II. Review:

- 1370 Non-Discrimination
- 4030.5 Family and Medical Leave
- 4118.1 Non-Discrimination
- 4118.14 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
- 5020.1 Non-Discrimination
- 5200 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990

### 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](mailto:ferranted@madisonct.org) at least five (5) business days prior to the meeting.

## Policy Summary

October 29, 2024

### Rescind

#### 6080 Educating Students in the Core Educational Program

This is not a mandatory policy and we recommend repeal. The policy references the "Vision for School Improvement," which we were not able to locate and thus may be an outdated model (the policy is dated 1997). Further, much of the policy addresses topics covered by statute, including core educational content, teacher professional development requirements, and the concept of Least Restrictive Environment (LRE), which is mandated by the IDEA. If the Board elects to maintain this policy, we recommend internal review to ensure continued applicability of concepts.

#### 6080.13 Teaching About Religion

This policy is not mandatory and we recommend repeal. The District must comply with Constitutional obligations/prohibitions with respect to religion; however, those obligations and prohibitions are ever-evolving through case law and the District should retain flexibility to apply the law as it evolves, rather than through policy. We have some legal concerns with the current policy, including the requirement that students be permitted to opt-out of any "activities" that are "contrary to religious beliefs." The law requires the District to permit opt-out of certain limited areas of the curriculum. Permitting a broad opt-out based on religious beliefs, rather than religious practice, is not required by law and would essentially require the District to release a student from participating in any activity. If the Board wishes to retain this policy, we recommend comprehensive legal review and revision.

#### 6080.20.1 Remedial Instruction

This policy is not mandatory and we recommend repeal. Remedial instruction is mandated by several laws.

#### 6080.22 Homebound/Hospital Instruction

This policy is not mandatory and may be repealed. The policy generally reflects the state regulatory requirements. If the policy is retained, we recommend legal review, specially to remove and/or revise the language concerning maternity and expulsion.

#### 6080.29.3 Career and Vocational Education

We recommend repealing this policy because it is not necessary and is likely outdated.

### Review

#### 1370 Non-Discrimination

We have revised this policy to update the appeal procedures to ensure consistency across all model policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule (described below) requires that boards of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, we have updated our model policies related to discrimination and harassment to ensure the appeal procedures are comparable across all policies. Further, we have clarified that the type of conduct prohibited by this policy includes epithets related to sex, sexual orientation, and/or gender identity or expression. Finally, we have made technical edits throughout.

#### 4030.5 Family and Medical Leave

We have revised this policy in light of Section 18 of Public Act No. 24-41, which requires, effective October 1, 2024, that boards of education provide benefits equal to those provided by the federal FMLA to noncertified employees (not just paraeducators in an educational setting, as under current law) who have been employed by the board for at least twelve months and worked at least 950 (rather than 1,250) hours for such board in the previous twelve months. We have also made 2 © 2024 Shipman & Goodwin. All rights reserved. edits to clarify that an employee's available accrued sick leave will run concurrently with unpaid FMLA leave and other minor technical edits.

#### 4118.1 Non-Discrimination

We have revised this policy to update the appeal procedures to ensure consistency across all model policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule (described below) requires that a board of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, we have updated our model policies related to discrimination and harassment to ensure the appeal procedures are comparable across all policies. Further, we have clarified that the type of conduct prohibited by this policy includes epithets related to sex, sexual orientation, and/or gender identity or expression. Finally, we have made technical edits throughout.

#### 4118.14 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990

We have revised this policy to update the appeal procedures to ensure consistency across all model policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule requires that a board of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, we have updated our model policies related to discrimination and harassment to ensure the appeal procedures are comparable across all policies. Further, we have made technical edits throughout.

#### 5020.1 Non-Discrimination

We have revised this policy to update the appeal procedures to ensure consistency across all model policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule requires that a board of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, we have updated our model policies related to discrimination and harassment to ensure the appeal procedures are comparable across all policies. Further, we have clarified that the type of conduct prohibited by this policy includes epithets related to sex, sexual orientation, and/or gender identity or expression. Finally, we have made technical edits throughout.

#### 5200 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990

We have revised this policy to update the appeal procedures to ensure consistency across all model policies related to discrimination and harassment. This is done in part because the 2024 Title IX Final Rule requires that boards of education provide an appeal process in its Title IX policy that is, at a minimum, the same as it offers in comparable proceedings. Therefore, we have updated our model policies related to discrimination and harassment to ensure the appeal procedures are comparable across all policies. Further, we have made technical edits throughout.

#6080

**Educating Students in the Core Educational Program**

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The Madison Board of Education recognizes that all students deserve and are entitled to educational programs and services of high quality. Therefore, the core educational program for students K-12 will be designed to implement the mission statement, expected outcomes, and strategic directions for quality programming approved by the Board and outlined in the *Vision for School Improvement*.

**General Principles for Programming**

*The Vision for School Improvement* delineates that educators in the Madison Public Schools will fully develop students in the core educational program by:

- focusing on individual learning and facilitating mastery of core curriculum;
- monitoring students' behavior, academic progress, and emotional well-being;
- facilitating students' productive thinking, problem-solving, and creative processing of information;
- instilling a strong sense of social responsibility and teaching students to accept and respect multicultural diversity;
- teaching students to value school work and to understand how their performance affects future opportunities;
- assuring that students integrate concepts and skills and apply learning in real-life experiences;
- counseling and assisting students to assure informed decision making;
- preparing students for the transition to jobs or advanced education; and
- assuring that students have a foundation for lifelong learning.

Instructional emphasis on reading, mathematics, and communication skills, particularly at elementary and middle-school levels, will be directed toward giving students a strong foundation in the core skills and concepts.

#6080 (continued)

**Guidelines for Instruction**

The Madison Public Schools should provide challenging curriculum and instruction that nurtures strengths, interests, and abilities of all students. All students deserve a planned educational program designed to meet their learning needs. The learning experiences for all students should provide a wide range of open-ended activities that are designed to accommodate the student's learning style.

Lessons and educational experiences should be comprehensively designed to accommodate the needs of all students in the regular classroom. It is also essential to have a varied repertoire of other instructional settings available to provide suitable educational experiences for all students. All students need opportunities to interact with each other. Interaction periodically with other students learning at a similar pace and level provides additional intellectual challenge, social and emotional support, and the opportunity to gain a more accurate perspective on their own abilities and those of others. Because these educational experiences cannot occur without appropriate teacher training, the Board charges the Superintendent and the administrative staff with responsibility of developing and implementing appropriate professional development activities.

Each school and classroom teacher will endeavor to create a learning environment in which healthy growth is fostered, ability is recognized, and excellence is encouraged. All aspects of the core educational program and the extended learning activities should be congruent with the developmental stages (social, emotional, intellectual, and physical) of the students being served.

**K-12 Program Development**

The Board of Education requires the Madison Public Schools' administration and staff, under the direction of the Superintendent, to develop and implement a planned, ongoing, and systematic core educational program, K-12. Each school should incorporate the ongoing development and refinement of the program as a school-based initiative documented in the school's improvement plan.

Date of Adoption: November 19, 1996

#6080.13

**Teaching About Religion**

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**Separation of Church and State Policy**

In accordance with the mandate of the Constitution of the United States prohibiting the establishment of religion, it is the policy of this Board that the Madison Public Schools will, at all times and in all ways, be neutral in matters of religion. This means that the Madison Public Schools will assume no role or responsibility for the religious training of any students and will in no way become involved in the religious belief, disbelief or doubt of any student. Moreover, it is impermissible for educators to teach religion or engage in religious indoctrination and practice in the public schools.

However, this requirement of neutrality need not preclude nor hinder the Madison Public Schools in fulfilling its responsibility to educate students to be tolerant and respectful of religious diversity. The district also recognizes that one of its educational responsibilities is to advance the students' knowledge and appreciation of the role that religion has played in the social, cultural, and historical development of civilization.

Therefore, the district will approach religion from an objective, curriculum-related perspective, encouraging all students and staff members to be aware of the diversity of beliefs and respectful of each other's religious and / or non-religious views. In that spirit of respect, students and staff members will be excused from participating in activities that are contrary to religious beliefs by written request to the building principal.

**Recognition of Religious Holidays**

While it is unconstitutional to celebrate religious holidays through religious worship or practices, the objective study of religious holidays provides a natural opportunity to promote an appreciation for and respect of diversity. Learning opportunities should extend beyond Judeo-Christian beliefs, reflecting the diversity of global cultures.

1. Recognition of religious holidays will not dominate the educational program and must support curricular objectives.

**6080.13 (continued)**

2. All religions must be afforded equal dignity, but none advanced or disparaged.
3. Decorations which are part of custom, that have no direct religious meaning, may be displayed.
4. Programs should focus on seasonal rather than religious themes inclusive of concerts, enrichment programs and Parent-Teacher Organization sales.
5. Performances which recognize holidays must be of an artistic nature, not religious. Religious music must not dominate any school program. Program selections should not, by their nature, exclude students from participation.

**Holiday Celebration and Observances**

The building principal is responsible for monitoring compliance with this policy. Pertinent information will be included in the student, parent, and staff handbooks.

Date of Adoption: November 19, 1996

Date of Revision: January 18, 2000

**#6080.13 - Regulation  
Teaching About Religion**

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**Separation of Church and State**

Since religious institutions and diverse beliefs have been a force in shaping human experience, past and present, awareness of these significant forces is part of a complete education. It is essential that the teaching about - not of - religion be conducted in a factual, objective and respectful manner. Therefore, the practice of the Madison Schools will be to:

- emphasize that religious themes in the arts, literature, and history, both in curriculum and school activities, be only as extensive as necessary for a balanced and comprehensive study of these areas. The curriculum should address a diversity of religious, using materials reflecting secular educational values. Studies should never foster any particular religious tenets or demean any religious or non-religious beliefs;
- recognize the age and developmental difference of students and accommodate these variances in instructional approach;
- ensure that the expenditure of school time, money, and materials for this area of the curriculum be kept to a minimum;
- provide training for teachers in both the substantive content to be taught and in methods of teaching to ensure the transmission of accurate information, a sensitive approach, and consistency throughout the district;
- ensure that teachers preview any material presented in their classroom for compliance with these guidelines;
- provide a process for students to be excused from this instruction if their parents so desire. Students of appropriate maturity should be able to excuse themselves. A student who is excused should be given reasonable alternative accommodations and materials to work on that area of educational benefit. To the degree possible,



6080.13 R (cont.)

alternative studies should deal with the subject of pluralism and diversity. The curriculum, however, should be such as to minimize the need for such requests;

- provide training for administrators and teachers in dealing with excuses and absences for religious reasons; and
- provide an instructional atmosphere which would not require students to reveal their personal beliefs but which would allow them to express those beliefs of their own volition.

Since holiday recognition is an opportunity to expand learning opportunities about the diversity and variety of religious traditions, it will further be the practice of the Madison Public Schools to:

- ensure that recognition of religious holidays be a valid objective educational experience and comply with curriculum guidelines;
- ensure that classroom discussions and other activities concerning religious holidays are accurate in content, objectively presented to foster understanding and respect, and carefully limited so as to avoid the excessive or unproductive use of school time;
- ensure that religious holiday themes and symbols not be utilized as the instructional content in unrelated curriculum areas; and
- prepare the district's calendar so as to minimize conflicts with religious holidays of all faiths. Examinations or important school events will not be scheduled on days when students may be absent for religious observances.

Date of Implementation:

**#6080.20.1****Remedial Instruction**

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The learning program shall be designed and operated so as to be developmental and to needs of all students within the regular classroom setting insofar as possible. Through personalized instructional methods and the employment of a variety of resources such as guidance and counseling, efforts shall be made to help each student learn the skills, concepts, or content of each new learning experience.

Special remedial instruction beyond the regular classroom will be provided and made available as determined by Madison Public Schools' policy and regulations.

Reference: Policy #6080.1 Educating Students with Special Needs

Date of Adoption: January 21, 1997

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**Homebound / Hospital Instruction**

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The Madison Board of Education shall provide homebound / hospital tutorial instruction when one or more of the following conditions apply:

**Eligibility:**

Illness / medical reason: A child's treating physician or psychiatrist provides a statement directly to the district, in writing, on a form provided by the district, that the student is unable to attend school for a verified medical reason (including mental health issues) and for a specific amount of time that is more than ten (10) school days. The physician's statement must include a statement that the physician has consulted with school health supervisory personnel and has determined that attendance at school with reasonable accommodations is not feasible, and must provide the child's diagnosis with supporting documentation. Consent must be provided by the parent or eligible student to consult with the treating physician for this purpose. In the event that the district does not agree that homebound instruction is necessary for medical reasons, the district may offer, at its expense, an independent medical evaluation. If consent is not provided for the consultation with the treating physician or the independent medical evaluation, if requested, the district will not be responsible to provide homebound instruction to the student.

1. Medically Complex Disability: A treating physician or psychiatrist states in writing, on a form provided by the district and provided directly to the district from the physician, that a student has a serious, ongoing illness or chronic condition for at least a year which requires prolonged or intermittent hospitalization and ongoing invasive medical treatments or medical devices to compensate for the loss of bodily functions, and requires homebound or hospitalized instruction to be provided intermittently in accordance with the student's Individualized Education Program (IEP). The student's Planning and Placement Team (PPT) shall consider and make accommodation for the child's program to be moved from the public school to home or a health care facility during times of treatment, and back to school when the child is able to return to school.
2. Expulsion: A student is expelled from school pursuant to Connecticut General Statutes Section 10-233d, and homebound instruction is provided as the alternative educational opportunity during the period of expulsion.
3. Maternity: The student is pregnant or has given birth and a physician has certified that the student cannot attend school consistent with item 1 above. In addition to homebound instruction, the student should receive such additional services as will enable the student to remain in school or otherwise have access to instruction and support services. The district shall consider the student's individualized needs and provide services such as transportation, a shortened school day, counseling, modified assignments or modified class schedule.

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**Specification for Instructional Services**

When a student is not in need of special education services, homebound or hospitalized instruction shall maintain the continuity of the student's regular education program, meaning that the student should receive instruction in the core academic subjects required by the district for graduation. In the case of a student with a disability, homebound services should enable the student to continue to participate in the general education curriculum and progress towards meeting the goals and objectives in the IEP. The PPT shall modify the student's short-term instructional objectives in the IEP as appropriate. In the case of a student enrolled in an interdistrict magnet school or charter school, the school in which the student is enrolled must provide the instructional materials to enable the district to provide appropriate instruction to the student. Instruction may be provided in the setting of the student's home or the hospital to which the student is confined, or the district may offer instruction in other sites such as the town library, taking into consideration the student's medical condition.

**Length of Absence**

When a student's condition may cause him/her to be absent for at least ten (10) consecutive days and nothing in his/her condition precludes instruction, home instruction shall begin no later than the eleventh (11th) day after the first day of absence, provided the district has received notice in writing that meets the requirements of this policy and Regulations of Connecticut State Agencies Section 10-76d-15. Instruction may begin earlier than the 11<sup>th</sup> day of absence if the district is provided with adequate notice prior to the student's absence from school, with appropriate documentation and consultation with the treating physician. The length of time that a student requires homebound instruction varies. An illness can last from three weeks to several months and expulsion can be for up to 180 school days or one calendar year. In the event of a medically complex disability, instruction must begin no later than the third (3) day of absence, after the school has been notified in writing by the medical professional, and provided the child is medically able to receive instruction. If the student's condition is such that the student cannot receive instruction, the student's treating physician shall determine when instruction shall begin and shall inform the district in writing.

**Number of Hours**

In compliance with state regulations, a child with a disability ages three to five, inclusive, shall receive the number of hours per week of homebound instruction determined appropriate by the PPT. Students in kindergarten through grade six, who meet the conditions described above, shall be provided a minimum of five (5) hours per week, or one (1) hour per day of homebound or hospitalized instruction, subject to modification by the PPT as appropriate. Students in grades seven through twelve shall be provided a minimum of ten (10) hours per week, or two (2) hours per day of instruction, subject to modification by the PPT as appropriate. Where evaluative data indicates that these time requirements should be modified, instruction time may be increased or decreased upon the agreement of the parent and the district, or upon a determination made by the PPT as appropriate.

Legal Reference:           Connecticut General Statutes  
                                  10-76d-15 of the Regulations of Connecticut State Agencies as amended.  
                                  10-76d Duties and powers of Boards of Education to provide special education  
                                  programs and services.  
                                  10-233d, Expulsion

Date of Adoption:           January 21, 1997

Date of First Revision:     April 7, 1998

#6080.29.3

**Career and Vocational Education**

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Educational programs shall expose students to the wide variety of careers in the world of work. Career and vocational education shall consider technical and economic conditions and changes, and, as a core component of comprehensive education, shall share with other aspects of the curriculum the development of career-related attitudes. Career guidance and counseling services shall be provided to each student throughout his or her academic program.

The district shall offer a planned, ongoing, and systematic program of instruction in career and vocational education, at least on the secondary level.

Legal Reference:       Connecticut General Statutes  
                              10-221 Board of education to prescribe rules  
                              10-265a Definitions.  
                              10-265b State grants for vocational education equipment.

Date of Adoption: April 1, 1997

**RESCIND**

**Instruction**

**Regulation #6080.29.3  
Career and Vocational Education**

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No regulations required.

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**Non-Discrimination**

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It is the policy of the Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Madison Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board, subject to the conditions and limitations established by law. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities as well as the District website. The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

### **I. Definitions:**

The following definitions apply for purposes of this policy:

A. **Discrimination:** Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual’s actual or perceived membership in a Protected Class.

B. **Harassment:** Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual’s ability to participate in or benefit from the services, activities, or opportunities offered by the District.

Although not an exhaustive list, the following are examples of the types of prohibited conduct that may be considered Protected Class harassment and can lead to a hostile environment, ~~and are therefore prohibited by this policy:~~



- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~involve intent to harm, be directed ~~at~~toward a specific ~~target person~~, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator.

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

C.D. Sexual orientation: Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

E.D. Veteran: A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force, and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed

to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Race: The term “race” is inclusive of historically-associated ethnic traits, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

F. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

**II. Alleged Discrimination/Harassment of Students or Employees:**

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability- based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy #4116.1 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel), or Policy #5120.5 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students). Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy #4118.14 Section 504/ADA (Personnel), or Board Policy #5200 Section 504/ADA (Students).

**Alleged Discrimination/Harassment of Community Members on the Basis of Sex:**

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

**Alleged Discrimination/Harassment of Community Members on the Basis of Disability:**

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

**H.III. Reporting:**

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern

in writing in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination. These regulations accompany Board Policy #1370 Community/Non-Discrimination and are available online at <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office of any district school.

~~If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled in accordance with other appropriate policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace; Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment; Policy #4118.14, Section 504/ADA, and Policy #5200, Section 504/ADA).~~

~~In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.~~

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

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

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Equal Employment Opportunity Commission (employees only):

Equal Employment Opportunity Commission, Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800-669-4000)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

**Office of the Superintendent**  
**10 Campus Drive**  
**Madison, CT 06443**  
**(203) 245-6322**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation or pregnancy may contact the Board's Title IX Coordinator:

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

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

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

**Legal References:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.  
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12101  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined  
Connecticut General Statutes § 46a-58, Deprivation of rights  
Connecticut General Statutes § 27-103  
Connecticut General Statutes § 46a-51, Definitions  
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-

Connecticut General Statutes § 46a-81a, Sexual orientation discrimination:  
Definitions

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:  
Employment

Connecticut General Statutes § 46b-1, Family relations matters and domestic  
violence defined

Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination Statutes”

~~Public Act No. 22-82, “An Act Concerning Online Dating Operators, the  
Creation of a Grant Program to Reduce Occurrences of Online Abuse and  
the Provision of Domestic Violence Training and Protections for Victims  
of Domestic Violence”~~

Date Adopted: March 16, 2021  
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Date of Revision: October 17, 2023

**Regulation #1370**  
**Non-Discrimination**

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION  
COMPLAINTS (COMMUNITY MEMBERS)**

It is the policy of the Madison Board of Education (the "Board") that any form of discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class") is prohibited, whether by students, Board employees, Board members or third parties subject to the control of the Board subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class harassment or discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

~~It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. Although not an exhaustive list, the following are examples of the prohibited types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:~~

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;

- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~involve intent to harm, be directed ~~at~~toward a specific ~~target person~~, or involve repeated incidents.

**Alleged Discrimination/Harassment of Students or Employees:**

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability- based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy #4116.1 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Personnel), or Policy #5120.5 Prohibition of Sex Discrimination, Including Sex-Based Harassment (Students). Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy #4118.14 Section 504/ADA (Personnel), or Board Policy #5200 Section 504/ADA (Students).

**Alleged Discrimination/Harassment of Community Members on the Basis of Sex:**

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

**Alleged Discrimination/Harassment of Community Members on the Basis of Disability:**

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

**Reporting to District Officials**



It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Community.

~~If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, disability, or pregnancy, such complaints will be handled in accordance with the procedures set forth in other Board policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA (Personnel), and Policy #5200, Section 504/ADA) (Students)).~~

### Complaint Procedure

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

~~The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class harassment or discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.~~

~~The District will periodically provide staff development for District administrators and periodically distribute this policy and implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.~~

As soon as an individual feels that they, or another individual has been subjected to Protected Class discrimination or harassment they should make a written complaint to the Superintendent, or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator~~

who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the reported conduct allegedly violates more than one policy, the Board will coordinate an investigation in compliance with the applicable policies, laws and regulations.

~~Superintendent or designee receives a complaint alleging discrimination or harassment on the basis of sex, gender identity or expression, sexual orientation, or pregnancy, the Superintendent or designee shall follow the procedures identified in the appropriate Board policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA (Personnel), and Policy #5200, Section 504/ADA) (Students));~~

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing, ~~or assist the individual with completing the written complaint form, or request the assistance of a District administrator to do so.~~

All complaints received by employees are to be forwarded immediately to the Superintendent or Superintendent's designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent ~~or designee~~ shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so. During the course of the investigation, the investigator shall interview or consult with all individuals

reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the ~~alleged harasser/discriminator~~ (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the time frames identified below. Time frames may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e.g. “Consequences were imposed.”).
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent’s office. The complainant and respondent (if any) shall be notified of any extension of the investigation timeline. 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 or harassment, adhering to the requirements of state and federal law;

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed time frames cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. ~~Outcome~~ After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose. ~~If a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent requesting challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. 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 investigation. 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 a designated the investigator(s) and the parties, a (if applicable), complainant, and respondent (if any) and, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions 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 business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review. receipt of all written statements for the parties.~~

**Complaint Procedure for Superintendent/Board Member Complaints:**

Any district administrator or Board member who receives a complaint of discrimination, harassment or retaliation of a community member by a Board Member and/or the Superintendent shall forward the complaint promptly to the Director of Human Resources. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair

of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an investigator different from the investigator who investigated the complaint.

### **Remedial Action:**

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to eliminate the discriminatory/harassing conduct, prevent its recurrence, and address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include:

- (a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian or supervisor notification, discipline, counseling, or training.
- (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
- (c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant.
- (d) 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.
- (e) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

### **Staff Development:**

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination and harassment.

### **Reporting to State and Federal Agencies:**

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR");

A complainant alleging discrimination or harassment may file a formal complaint with:

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

A complainant may also file a complaint with the:  
~~Connecticut Commission on Human Rights and Opportunities~~  
~~450 Columbus Blvd.,~~  
~~Hartford, CT 06103-1835~~  
~~(860) 541-3400~~

An employee alleging discrimination or harassment related to their employment may also file a complaint with:

Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

**Office of the Superintendent**  
**10 Campus Drive**  
**Madison, CT 06443**  
**(203) 245-6322**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, or sexual orientation, or pregnancy may contact the Board's Title IX Coordinator:

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

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

367        **Director of Special Education**  
368        **10 Campus Drive**  
369        **Madison, CT 06443**  
370        **(203) 245-6341**  
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Family and Medical Leave

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**PURPOSE**

The purpose of this policy is to apprise employees of their rights, and establish guidelines for leaves taken by employees of the Madison Board of Education (the "Board"), under the federal Family and Medical Leave Act of 1993 ("FMLA") and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

**ELIGIBILITY**

An employee who holds a certification under Chapter 166 of the Connecticut General Statutes (i.e. a certified employee) who has ~~Employees other than school paraprofessionals who have~~ been employed by the Board for at least twelve (12) months, and who ~~has~~ worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, ~~is~~ are eligible for unpaid leave under the FMLA. A full-time instructional employee meets the 1,250 hours of service requirement unless the Board can demonstrate that such employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

An employee who does not hold a certification under Chapter 166 of the Connecticut General Statutes (i.e. a noncertified employee) ~~A school paraprofessional in an educational setting is~~ eligible for the leave described in this policy if ~~the paraprofessional~~ such employee has worked for the Board for at least twelve (12) months, and has worked at least 950 service hours during the twelve (12) months immediately preceding the start of such leave.

~~Full-time instructional employees meet the 1,250 hours of service requirement unless the Board can demonstrate that the full-time instructional employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.~~

**DEFINITIONS**

**Genetic information:** For purposes of this policy, "genetic information" includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Instructional employee:** For purposes of this policy, an "instructional employee" is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary



personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

**Paraprofessional:** For purposes of this policy, a “paraprofessional” means a school employee who performs duties that are instructional in nature or deliver either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. This definition is only used for the purpose of calculating eligibility for the leave described in this policy at the 950 hour threshold.

### ***REASONS FOR LEAVE***

Leaves under the FMLA and applicable state law may be taken for the following reasons:

- incapacity due to pregnancy, prenatal medical care or child birth; or
- to care for the employee's newborn child; or
- the placement of a child with the employee by adoption or for foster care; or
- to care for the employee's spouse, child or parent who has a serious health condition; or
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position; or
- to serve as an organ or bone marrow donor; or
- to care for an injured or ill servicemember (see below – Length of Leave – for further information); or
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons (note – more detailed information on the following categories is available from the Human Resources office):
  - short-notice deployment;
  - military events and related activities;
  - childcare and school activities;
  - financial and legal arrangements;
  - counseling;
  - rest and recuperation;

- post-deployment activities;
- parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

### ***LENGTH OF LEAVE***

#### **(a) Basic FMLA Leave Entitlement**

If a leave is requested for one of the above-listed reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

#### **(b) Leave to Care for an Injured or Ill Servicemember**

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12-month period to care for (i) a servicemember who is the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or (ii) a covered veteran with a serious injury or illness who is the employee's spouse, parent, child or next of kin.

For servicemembers, the injury or illness must render the servicemember medically unable to perform the duties of office, grade, rank or rating. This provision applies to servicemembers who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who are on the temporary disability retired list, for a serious injury or illness.

For covered veterans, the veteran must be undergoing medical treatment, recuperation or therapy for a serious injury or illness and must have been (1) a member of the Armed Forces (including the National Guard or Reserves); (2) discharged or released under conditions that were other than dishonorable; and (3) discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.<sup>1</sup>

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<sup>1</sup> The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12-month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009 and March 8, 2013. This period will effectively be excluded from the five-year calculation.

For covered veterans, serious injury or illness means any of the following:

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When combined with any other type of FMLA-qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for a servicemember with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

## TYPES OF LEAVE AND CONDITIONS

### (a) Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA.

Intermittent leave means leave taken due to a single qualifying reason in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule leave may be taken (a) when medically necessary for an employee's or covered family member's serious health condition, or for a covered service member's serious illness or injury, and (b) the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency; or (2) to effectuate the placement of a child for adoption or foster care before the placement of the child in the home.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a family member or a covered service member, including during a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period), if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration, not to exceed the duration of the planned medical treatment.

(b) Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a parent with a serious health condition, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

(c) Leave Taken by Instructional Employees Near the End of an Academic Term

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that instructional employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee would return to work during the three-week period before the end of the term.

If the instructional employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

### ***REQUESTS FOR LEAVE***

#### **(a) Foreseeable Leave**

An employee must notify the Human Resources Department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

#### **(b) Qualifying Exigency.**

An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

#### **(c) Unforeseeable Leave.**

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

### ***SCHEDULING PLANNED MEDICAL TREATMENT***

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the Human Resources Department and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the Human Resources Department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

### ***REQUIRED CERTIFICATIONS/DOCUMENTATION***

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The appropriate form will be provided to the employee. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the Human Resources Department of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the Human Resources Department. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

#### ***USE OF PAID LEAVE***

Paid leave, which has been accrued in accordance with applicable law, the relevant collective bargaining agreement (if any), and/or Board policy will be substituted for any unpaid portions of family or medical leave taken for any reason that is also a qualifying reason for using such accrued paid leave. In such instance, the employee's accrued paid leave and FMLA-qualifying leave will run concurrently. The employee must satisfy any procedural requirements applicable to the use of paid leave, but only in connection with the receipt of such payment.~~Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued~~

316 ~~paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the~~  
317 ~~amount of paid leave that is substituted.~~

318  
319 In addition, in cases involving absences due to a Workers' Compensation injury that also  
320 qualifies as an FMLA serious health condition, and if the employee (and the employee's  
321 collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the  
322 employee's available accrued paid leave in increments as a supplement to the Workers'  
323 Compensation weekly benefit in an appropriate amount so that the employee can maintain the  
324 employee's regular weekly income level.

325  
326 ***MEDICAL INSURANCE AND OTHER BENEFITS***

327  
328 During ~~approved~~ family or medical leaves of absence approved pursuant to this policy, the Board  
329 will continue to pay its portion of medical insurance premiums for the period of unpaid family or  
330 medical leave. The employee must continue to pay the employee's share of the premium, and  
331 failure to do so may result in loss of coverage. If the employee does not return to work after  
332 expiration of the leave, the employee will be required to reimburse the Board for payment of  
333 medical insurance premiums during the family or medical leave, unless the employee does not  
334 return because of a serious health condition or circumstances beyond the employee's control.

335  
336  
337 ***REINSTATEMENT***

338  
339 Except for circumstances unrelated to the taking of a family or medical leave pursuant to this  
340 policy, and unless an exception applies, an employee who returns to work following the  
341 expiration of a family or medical leave is entitled to return to the job such employee held prior to  
342 the leave or to an equivalent position with equivalent pay and benefits.

343  
344  
345 ***ADDITIONAL INFORMATION***

346  
347 Questions regarding family or medical leave may be directed to the Superintendent or designee.  
348 An employee may file a complaint with the U.S. Department of Labor or may bring a private  
349 lawsuit against an employer. FMLA does not affect any federal or state law prohibiting  
350 discrimination, or supersede any state or local law or collective bargaining agreement that  
351 provides greater family or medical leave rights.

352  
353 Legal References:

354 Connecticut General Statutes:

355 Conn. Gen. Stat. § 31-51rr Family and medical leave benefits for employees  
356 of political subdivisions

357  
358 Regs. Conn. State Agencies 31-51rr-1, et seq.

359  
360 Public Act 24-41, "An Act Concerning Educator Certification, Teachers, Paraeducators  
361 and Mandated Reporter Requirements"

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

Date of Adoption: October 17, 2023



#4118.1

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**Non-Discrimination**

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The Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, genetic information, gender identity or expression, or veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”) except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

**I. Definitions:**

The following definitions apply for purposes of this policy:

A. Discrimination

With respect to employees, it is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~ involve intent to harm, be directed ~~toward~~ at a specific person target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4116.1 Prohibition of Sex Discrimination, Including Sex-based and Sexual Harassment. For more information regarding harassment based on sex, sexual orientation, pregnancy,<sup>7</sup> or gender identity or expression, contact the District's Title IX Coordinator.

C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

A "veteran" is any person honorably discharged from, or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

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

F. Sexual orientation

95 Sexual orientation refers to a person's identity in relation to the gender or genders to which they are  
96 romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have  
97 previously expressed, or (ii) is perceived by another person to hold.  
98

99 F.G. \_\_\_\_\_ Race

100 The term race is inclusive of historically-associated ethnic traits, including but not limited to, hair texture  
101 and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and  
102 hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

103 G.H. \_\_\_\_\_ Domestic violence

104 The term domestic violence means (1) a continuous threat of present physical pain or physical injury  
105 against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including  
106 but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household  
107 member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in  
108 Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such  
109 family or household member; or (4) coercive control of such family or household member, which is a  
110 pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and  
111 personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the  
112 following: (a) isolating the family or household member from friends, relatives or other sources of  
113 support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or  
114 monitoring the family or household member's movements, communications, daily behavior, finances,  
115 economic resources or access to services; (d) compelling the family or household member by force,  
116 threat or intimidation, including, but not limited to, threats based on actual or suspected immigration  
117 status, to (i) engage in conduct from which such family or household member has a right to abstain, or  
118 (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or  
119 threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced  
120 sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct,  
121 threats based on a person's sexuality or threats to release sexual images.

122  
123 **II. Reporting:**  
124

125 It is the policy of the Board to provide for the prompt and equitable resolution of complaints  
126 alleging Protected Class discrimination or harassment. The District will investigate both formal and  
127 informal complaints of discrimination, harassment or retaliation.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policy #4118.1 and are available online at <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office of any district school. Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #4116.1, Prohibition of Sex Discrimination, including Sex-based ~~and Sexual~~ Harassment and Policy #4118.14, Americans with Disabilities Act/Section 504).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class, when District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator.

**Remedial Action:**

If the District makes a finding of discrimination, harassment or retaliation, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. 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;
- E. Supports for the complainant; and
- F. 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.

In addition to reporting to the Board, any employee also may file a complaint with the following:

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

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

**Office of the Superintendent**  
**10 Campus Drive**  
**Madison, CT 06443**  
**(203) 245-6322**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or sexual orientation may contact the Board's Title IX Coordinator:

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

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

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

**Legal References:**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.  
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12101  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined  
Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender  
indemnity or expression or marital status prohibited  
Connecticut General Statutes § 27-103  
Connecticut General Statutes § 31-51i  
Connecticut General Statutes § 46a-58, Deprivation of rights  
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60  
Connecticut General Statutes § 46a-80a  
Connecticut General Statutes § 46a-81a Sexual orientation discrimination: Definitions  
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment-  
Connecticut General Statutes § 46b-1, Family relations matters and domestic violence  
defined

Public Act No. 23-145, "An Act Revising the State's Antidiscrimination Statutes"

~~Public Act No. 22-82, "An Act Concerning Online Dating Operators, the Creation of a  
Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic  
Violence Training and Protections for Victims of Domestic Violence"~~

Date Adopted: March 16, 2021  
Date of Revision: October 12, 2021  
Date of Revision: October 17, 2023



## Regulation #4118.1 Non-Discrimination

The Madison Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class whether by students, Board employees, Board members or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result in disciplinary action against the retaliator, and other corrective actions as appropriate.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

~~It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.~~

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;

- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~ involve intent to harm, be directed ~~toward~~ at a specific ~~target~~ person, or involve repeated incidents.

#### **Reporting to District Officials:**

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled, as appropriate, in accordance with other Board policies (e.g., Policy #4116.1 Prohibition of Sex Discrimination, including Sex-based Harassment (Personnel) and Policy #4118.14 Disabilities (Personnel)).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy #4118.14 Section 504/ADA (Personnel)).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

#### **Mandatory Staff Reporting for Student Incidents**

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator.

#### **Complaint Procedure**

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will

investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

~~The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.~~

~~The District will periodically provide staff development for District administrators and periodically distribute this policy and implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.~~

#### Complaint Procedure

As soon as an individual feels that they, or another employee has been subjected to discrimination or harassment the individual should make a written complaint to the Superintendent or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non discrimination policy and regulation. If any party to the complaint is not satisfied with the findings and conclusions of the investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non discrimination policy and regulation.~~

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, the Superintendent or designee shall follow the procedures identified in Board Policy #4116.1 Prohibition of Sex Discrimination, Including Sex-Based/Harassment (Personnel) and Policy #4118.14 Disabilities (Personnel). In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy #4118.14 Americans With Disabilities Act/Section 504.

The complaint should state the:

A. Name of the complainant,

B. Date of the complaint,

- 140 C. Date(s) of the alleged harassment/discrimination,  
141  
142 D. Name(s) of the harasser(s) or discriminator(s),  
143  
144 E. Location where such harassment/discrimination occurred,  
145  
146 F. Names of any witness(es) to the harassment/discrimination,  
147  
148 G. Detailed statement of the circumstances constituting the alleged  
149 harassment/discrimination; and  
150  
151 H. Proposed remedy.  
152

153 Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of  
154 this regulation and will be requested to make a written complaint pursuant to the above procedure. If an  
155 individual is unable to make a written complaint, the employee receiving the oral complaint will either  
156 reduce the complaint to writing, ~~or~~ assist the individual with completing the written complaint form or  
157 request that a District administrator assist the individual.  
158

159 All complaints received by staff members are to be forwarded immediately to the Superintendent or  
160 designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint  
161 procedure, the Superintendent or designee shall promptly investigate the complaint, or designate a District  
162 administrator or other trained individual to do so. During the course of the investigation, the investigator  
163 shall interview or consult with all individuals reasonably believed to have relevant information, including  
164 the complainant, the reporter (if different from the complainant), the “respondent”, and any witnesses to  
165 the conduct. Complaints will be investigated promptly within the time frames identified below. Time  
166 frames may be extended as needed given the complexity of the investigation, availability of individuals  
167 with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by  
168 all persons involved in the investigation to the extent possible, as determined by the investigator.  
169

170 Upon receipt of a written complaint of discrimination or harassment, the investigator should:  
171

- 172 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days  
173 (provided that such timeframe may be reasonably extended based on the availability of necessary  
174 witnesses and/or participants, the complexity of the investigation, and/or other extenuating  
175 circumstances) to discuss the nature of the complaint, discuss the availability of interim  
176 measures, identify individuals the complainant or respondent believes has relevant information,  
177 and obtain any relevant documents the complainant or respondent may have;  
178  
179 2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-  
180 discrimination policy and accompanying regulations;  
181  
182 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis  
183 for the complaint, including, as applicable, conducting interviews with individuals with the  
184

- parties to the complaint and any relevant witnesses or other information and review of documents deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
  5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
  6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.ge. "Consequences were imposed.").
  7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) 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 or harassment, adhering to the requirements of state and federal law;
  8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed time frames cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub paragraph 6);
  9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
  10. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. 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 investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated the investigator(s) (if applicable), complainant, and respondent (if any) 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 a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review school days of receipt of all written statements from the parties.

#### **Complaint Procedure for Superintendent/Board Members Complaints:**

Any District administrator or Board member who receives a complaint of discrimination, harassment or retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint promptly to the Director of Human Resources. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an investigator different from the investigator who investigated the complaint.

#### **Remedial Action:**

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

(a)

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;

C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;

~~Interventions for the individual who engaged in the discrimination/harassment, such as supervisor notification, discipline, or training.~~

D.~~(b)~~ 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.

E.~~(e)~~ Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

**Staff Development:**

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.

In addition to reporting to the Board, any employee also may file a complaint with the following:

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

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities



322 450 Columbus Blvd.  
323 Hartford, CT 06103-1835  
324 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)  
325

326 Anyone who has questions or concerns about these regulations, and/or who may wish to request or  
327 discuss accommodations based on religion, may contact:  
328

329 **Office of the Superintendent**  
330 **10 Campus Drive**  
331 **Madison, CT 06443**  
332 **(203) 245-6322**  
333

334 Anyone who has questions or concerns about the Board's policies regarding discrimination or  
335 harassment on the basis of gender/sex, gender identity or expression, pregnancy or sexual orientation  
336 may contact the Board's Title IX Coordinator:  
337

338 **Director of Special Education**  
339 **10 Campus Drive**  
340 **Madison, CT 06443**  
341 **(203) 245-6341**  
342

343 Anyone who has questions or concerns about the Board's policies regarding discrimination or  
344 harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a  
345 disability, may contact the Board's Section 504/ADA Coordinator:  
346

347 **Director of Special Education**  
348 **10 Campus Drive**  
349 **Madison, CT 06443**  
350 **(203) 245-6341**  
351



**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, genetic information, veteran status, or status as a victim of domestic violence)

Name of the Reporter:

Name of the complainant/victim: \_\_\_\_\_

Reporter's Relationship to complainant/victim:

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

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the alleged discriminator(s) or harasser(s) \_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment

Detailed statement of the circumstances constituting the alleged discrimination or harassment

Proposed remedy \_\_\_\_\_

#4118.14

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**Americans with Disabilities Act/Section 504**

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Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Board of Education (the “Board”) recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, the Board prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact the Section 504/ADA Coordinator:

**Director of Special Education**  
**10 Campus Drive**  
**Madison, CT 06443**  
**202-245-6341**

Any employee may file an internal grievance/complaint regarding discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Board’s Administrative Regulations Regarding Employees and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109- 3921

(617) 289-0111

Employees may also file a complaint regarding employment discrimination on the basis of disability with:

Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Building  
15 New Sudbury Street, Room 475  
Boston, MA 02203 -0506  
(800) 669-4000

Employees may also file a complaint with:

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

Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact the Director of Special Education, the Section 504/ADA Coordinator for the Madison Public Schools, at 203-245-6341.

Legal References:

29 U.S.C. §§ 705, 794  
34 C.F.R. Part 104  
42 U.S.C. § 12101 et seq.  
28 C.F.R. Part 35

Date of Adoption: June 19, 1990  
Date of Revision: October 3, 2006  
Date of Revision: December 15, 2020

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**Regulation #4118.14**  
**Americans with Disabilities Act/Section 504**

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**Madison Board of Education Section 504/ADA Grievance/Complaint  
Procedures Regarding Discrimination Against Employees**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

**I. Definitions**

**Major life activities:** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating Measures:** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or Mental Impairment:** (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that ~~he/she has~~they have been discriminated against on the basis of disability may submit a written complaint to the ~~district's designated~~ Section 504/ADA Coordinator within thirty (30) school days of the alleged occurrence.

A-B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the ability of the District to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If the complaint is made verbally, the individual taking the complaint will reduce it to writing. Individuals wishing to make a complaint about discrimination against students on the basis of disability should be referred to the district's Section 504/ADA policies and regulations regarding students.

C. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The ~~D~~istrict will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting or complaint of disability-based

66 discrimination or as a result of an individual's participation or cooperating in the  
67 investigation of a complaint. The ~~D~~istrict will take necessary actions to prevent retaliation  
68 as a result of filing a complaint or the participation in an investigation of a complaint.  
69

70 ~~A.D.~~ If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should  
71 be submitted directly to the Superintendent who may conduct the investigation or appoint a  
72 designee to conduct the investigation in accordance with these procedures. If the  
73 Superintendent is the subject of the complaint, the District Board shall designate an  
74 appropriate party to conduct the investigation in accordance with these procedures.  
75

76 ~~B.~~ E. Complaints will be investigated promptly within timeframes identified below. Timeframes  
77 may be extended as needed given the complexity of the investigation, availability of individuals with  
78 relevant information and other extenuating circumstances. Confidentiality will be maintained by all  
79 persons involved in the investigation to the extent possible.

80  
81 ~~F.~~ F. The complaint should contain the following information:

- 82 1. The name of the complainant;
- 83 2. The date of the complaint;
- 84 3. The date(s) of the alleged discrimination;
- 85 4. The names of any witnesses or individuals relevant the complaint;
- 86 5. A detailed statement describing the circumstances in which the alleged  
87 discrimination occurred; and  
88
- 89 6. The remedy requested.

90  
91 However, all complaints will be investigated to the extent possible, even if such information is  
92 not included in the complaint. In such circumstances, additional  
93 information may be requested by the investigator as part of the investigation process.

94  
95 ~~G.F.~~ G.F. Upon receipt of the complaint, the individual investigating the complaint shall:

- 96 1. Provide a copy of the written complaint to the Superintendent of Schools;
- 97
- 98 2. Meet with the complainant within ten (10) school days to discuss the nature of the complaint,  
99 identify individuals the complainant believes have relevant information, and obtain any  
100 relevant documents the complainant may have;
- 101
- 102

3. Provide the complainant with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;

~~3.~~ 4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;

~~4.~~ 5. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;

~~2.~~ 6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;

~~3.~~ 7. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504/ADA;

~~4.~~ 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, complainant will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);

~~5.~~ 9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.

6. 10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

~~G. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the complainant to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.~~

H. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal.

Upon review of a written request from the complainant, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant of his/her decision within ten (10) school days following the receipt of the written request for review. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. 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 investigation.

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.



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**III. The Section 504/ADA Coordinator for this district is:**

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

**IV. Complaints to Federal or State Agencies**

At any time, the complainant has the right to file a formal complaint with:

U.S. Department of Education,  
Office for Civil Rights, 8<sup>th</sup> Floor,  
5 Post Office Square, Suite 900,  
Boston, MA 02109-0111  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employees may also file a complaint regarding employment discrimination on the basis of disability with:

Equal Employment Opportunity Commission,  
Boston Area Office,  
John F. Kennedy Federal Building,  
475 Government Center,  
Boston, MA 02203  
(800) 669-4000

**OR**

Connecticut Commission on Human Rights and Opportunities,  
25 Sigourney Street,  
Hartford, CT 06106  
(800) 477-5737

**SECTION 504/ADA DISCRIMINATION  
GRIEVANCE/COMPLAINT FORM FOR NON-STUDENTS**

(This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability).

1. Name of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

2. Contact Information for Complainant:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Home Tel. #)

\_\_\_\_\_  
(Cell # or Work #)

3. Name of Covered Individual: \_\_\_\_\_

4. Address of Covered Individual (if different from above):

\_\_\_\_\_

\_\_\_\_\_

5. Relationship to School (e.g., position, visitor, parent) (if applicable):

\_\_\_\_\_

6. Please describe the nature of your complaint:

\_\_\_\_\_

\_\_\_\_\_

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7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

\_\_\_\_\_

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\_\_\_\_\_

The Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

The Board ~~further~~ prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

#### **I. Definitions:**

The following definitions apply for purposes of this policy:

##### A. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student's actual or perceived membership in a Protected Class.

B. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~involve intent to harm, be directed ~~at~~toward a specific ~~target~~person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5120.4.2.4 Title ~~IX of the Education Amendments of 1972—Prohibition of Sex Discrimination, Including Sex-based and~~

Sexual Harassment. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator.

C. Veteran:

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

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

E. Sexual Orientationorientation:

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

E.F. Race

The term race is inclusive of historically-associated ethnic traits, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

F.G. Domestic Violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

**II. Reporting:**

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing in accordance with the Board’s complaint procedures included in the

Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5020.1 and are available online at <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office of any district school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any Board employee.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled in accordance with procedures set forth in Board Policy #5120.4.2.4, 5 Prohibition of Sex Discrimination, Including Sex-based and Sexual Harassment. Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy #5200, Section 504/ADA. In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and staff-to-student discrimination, harassment or retaliation that may be based on a Protected Class that District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator.

**Remedial Action:**

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. 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;
- E. Supports for the complainant; and
- F. 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.

~~Students found to have engaged in acts of discrimination or harassment that create a hostile environment based on a Protected Class may be disciplined, and such discipline may include, when circumstances warrant, suspension or expulsion.~~

District employees and administration will work with students and parents/guardians to prevent acts of discrimination, harassment and retaliation.

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

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

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)



209  
210 Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss  
211 accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or  
212 complaint forms related to claims of discrimination, may contact:

213  
214 **Office of the Superintendent**  
215 **10 Campus Drive**  
216 **Madison, CT 06443**  
217 **(203) 245-6322**  
218

219 Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment  
220 on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX  
221 Coordinator:  
222

223 **Director of Special Education**  
224 **10 Campus Drive**  
225 **Madison, CT 06443**  
226 **(203) 245-6341**  
227

227 Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment  
228 on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may  
229 contact the Board's Section 504/ADA Coordinator:  
230

231 **Director of Special Education**  
232 **10 Campus Drive**  
233 **Madison, CT 06443**  
234 **(203) 245-6341**

235 Legal References:  
236

237 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
238 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.  
239 Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
240 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.  
241 Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined  
242 Connecticut General Statutes § 46a-51, Definitions  
243 Connecticut General Statutes § 10-15c  
244 Connecticut General Statutes § 27-103  
245 Connecticut General Statutes § 46a-58, Deprivation of rights  
246 Connecticut General Statutes § 46a-81a, et seq.  
247 Connecticut General Statutes § 46b-1, Family relations matters and domestic violence  
248 defined

Public Act No. 23-145, "An Act Revising the State's Antidiscrimination Statutes" Public  
Act No. 22-82, "An Act Concerning Online Dating Operators, the Creation of a Grant  
Program to Reduce Occurrences of Online Abuse and the Provision of Domestic  
Violence Training and Protections of Victims of Domestic Violence"

Date Adopted: March 16, 2021  
Date Revised: October 12, 2021  
Date of Revision: October 17, 2023

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**Regulation #5020.1**  
**Nondiscrimination**

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**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS  
(STUDENTS)**

The Madison Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited

The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

~~Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.~~

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result in disciplinary action against the retaliator, and other corrective actions as appropriate.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

~~It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.~~

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Although not an exhaustive list, the following are examples of the type of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to ~~include~~involve intent to harm, be directed ~~at~~toward a specific ~~person~~target, or involve repeated incidents.

### **Reporting to District Officials:**

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students. If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, pregnancy, such complaints will be handled in accordance with the procedures set forth in Board Policy #5120.54.2.4. ~~Title IX of the Education Amendments of 1972—Prohibition of Sex Discrimination, Including Sex-based and Sexual Harassment.~~ Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy # 5200, Section 504/ADA (Students). In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Students are encouraged to immediately report any concerns about Protected Class discrimination, harassment, or retaliation.

### **Mandatory Staff Reporting for Student Incidents:**

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator.

### **Complaint Procedure**

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

~~The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class Discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.~~

~~The District will periodically provide staff development for district administrators and periodically distribute this policy and the implementing administrative regulations to employees and students in an effort to maintain an environment free of harassment and discrimination.~~

#### Complaint Procedure

As soon as a student feels that they or another student has been subject to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or Superintendent's designee or to the building principal, or principal's designee. Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any Board employee. Board employees receiving such reports shall promptly forward them to any District administrator

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the board chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.~~

The student and/or parent/guardian will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the principal or designee receives a complaint alleging discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, the principal or designee shall follow the procedures identified in Policy 51020.54-2, Prohibition of Sex Discrimination, Including Sex-based and Sexual Harassment (Students). If the complaint alleging discrimination or harassment is based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy #5200, Section 504/ADA (Students).

The complaint should state the:

- A. Name of the complainant/victim,
- B. Date of the complaint,

- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any student and/or parent/guardian who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing, ~~or~~ assist the student (individual acting on behalf of the student) in completing the written complaint form or ask a District administrator for assistance in doing so.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the individual alleged to have experienced Protected Class discrimination and/or harassment (the "complainant"), the alleged harasser/discriminator ("respondent") and any witnesses to the conduct. Complaints will be investigated promptly within the time frames identified below. Time frames may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with principals of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;

3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. 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 or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed time frames cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary ~~(see sub paragraph 6);~~
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. 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 investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties ~~If a complainant or respondents not satisfied with the~~



findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and complainant (and/or respondent, if applicable) 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 investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review school days of receipt of all written statements from the parties.

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

(a)

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;  
Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian notification, discipline, or counseling.
  - (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
  - (c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant.
  - (d) 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.
  - (e) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.



District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

**Staff Development:**

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination, harassment and retaliation.

**Reporting to State and Federal Agencies:**

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

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square

Boston, MA 02109- 3921  
(617-289-0111)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

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

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

**Office of the Superintendent  
10 Campus Drive  
Madison, CT 06443  
(203) 245-6322**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

**Director of Special Education**

319       **10 Campus Drive**  
320       **Madison, CT 06443**  
321       **(203) 245-6341**  
322

323   Anyone who has questions or concerns about the Board's policies regarding discrimination or  
324   harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a  
325   disability, may contact the Board's Section 504/ADA Coordinator:  
326

327       **Director of Special Education**  
328       **10 Campus Drive**  
329       **Madison, CT 06443**  
330       **(203) 245-6341**  
331

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

**(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, veteran status, or status as a victim of domestic violence)**

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

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

Date of the alleged discrimination/harassment \_\_\_\_\_

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

Location where such discrimination/harassment occurred \_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment

Detailed statement of the circumstances constituting the alleged discrimination or harassment

Proposed remedy \_\_\_\_\_

#5200

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**Americans with Disabilities Act/Section 504**

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Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Madison Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the Madison Public Schools prohibit discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student’s parent/guardian disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of their child, such parent/guardian has the right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the district by utilizing the grievance/complaint procedures outlined in the Board's Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

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

Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact the Director of Special Education, the Section 504/ADA Coordinator for the Madison Public Schools, at 203-245-6341.

Legal References:

29 U.S.C. §§ 705, 794  
34 C.F.R. Part 104  
42 U.S.C. § 12101 *et seq.*  
28 C.F.R. Part 35

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

*Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19, 2012)

*Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973*, Office for Civil Rights (July 2022), available at [https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term](https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)

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75 Second Reading: March 7, 2023  
76 Dated Adopted: March 7, 2023

## Regulation #5200

## Americans with Disabilities Act/Section 504

**Madison Board of Education Section 504/ADA Grievance/Complaint  
Procedures Regarding Discrimination Against Students on the Basis of Disability**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

**I. Definitions**

**Free appropriate public education (FAPE)** for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees similarly imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating measures** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or mental impairment** is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but

is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that they have been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the district's designated Section 504/ADA Coordinator (see contact information below) for the Madison Public Schools (the "District") within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under the appropriate administrative regulation. Administrative Regulation #4116.1 Sex Discrimination and Sexual Harassment.
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board's ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.
- C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to the student's identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- D. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperation in the investigation of a complaint. The District will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the



Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.

F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504 Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504 Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

H. The complaint should contain the following information:

1. The name of the complainant;
2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witnesses or individuals relevant the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

I. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
3. Provide the complainant and the respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality

requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;

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, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;
10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

J. After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. If the complainant or the respondent is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may request review and reconsideration of the conclusion of the complaint (an "Appeal") within thirty (30) days of receipt of the written outcome. In requesting an Appeal, the appealing party must submit the complaint, the written outcome of the complaint, and explain why the appealing party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.

~~Upon review of an Appeal from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted, or shall appoint a designee to do so. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent or designee shall provide written notice to the appealing party and the other party of the Superintendent or designee's decision within ten (10) school days following the written request for review. When an Appeal is received during summer recess, the Superintendent or designee shall conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year.~~

The Superintendent or designee's decision shall be final. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or superintendent's designee. 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 investigation.

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.

### **III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement**

Complaints regarding a student's identification, evaluation or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

#### **A. Submission of Complaint to Section 504/ADA Coordinator**

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator (*see* contact information below) within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.
2. The complaint concerning a student's identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and

f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.

4. Upon receipt of the complaint, the Section 504/ADA Coordinator or the Coordinator's designee shall:

a. Forward a copy of the complaint to the Superintendent of Schools;

b. Meet with the complainant within ten (10) school days to discuss the nature of the complainant's concerns and determine if an appropriate resolution can be reached, or whether interim measures may be appropriate. 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 other individuals who may have information relevant to the complaint, and no later than ten (10) school days after the start of the following school year;

c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator or designee shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and

d. Communicate the results of the investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or designee.

e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest that prevents such individual from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

## B. Review by Superintendent of Schools

1. After receiving the written notice of the outcome, the Complainant shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. If the complainant is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may present the complaint and

written outcome to the Superintendent for review and reconsideration (an "Appeal") within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the appealing party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting an Appeal, the appealing party must explain why they believe the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.

2. The decisionmaker(s) for the appeal Upon review of a an Appeal from the appealing party, the Superintendent shall review the evidence and information presented by the parties investigative results of the investigator and determine if further action and/or investigation is warranted, or appoint a designee to do so. Such action may include consultation with the investigator(s) and other relevant witnesses the parties, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent or designee shall provide written notice to the appealing party of the Superintendent's or designee's decision 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 thirtyten (310) school days following the receipt of the Appeal, or if the Appeal is received during summer recess, as quickly as possible but no later than ten (10) school days after the start of the following school year of receipt of all written statements from the parties.
3. If the complainant is not satisfied with the Superintendent or designee's decisionmaker for the appeal's decision or proposed resolution, such individual may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent or designee's decision.

#### C. Mediation Procedures:

1. A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student.
2. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties.
3. The request for mediation concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:

- a. Full name of the student, age, and grade level;
- b. Name of parent(s);
- c. Address and relevant contact information for parent/complainant;
- d. Date of complaint;
- e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
- f. Remedy requested.

4. Upon receipt of a request for mediation,

- a. The Section 504/ADA Coordinator shall:
    - i. Forward a copy of the request for mediation to the Superintendent of Schools; and
    - ii. Inform the parent/guardian or student 18 years old or older as to whether the District agrees to mediation in writing.
  - b. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").
  - c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.
8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures:

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older, who disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for a due process hearing concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
  - f. Remedy requested.
2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the ("IDEA").
3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.
4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party's own expense, if desired.
5. The impartial hearing officer shall hear all aspects of the complainant's complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer's decision shall be final.
6. An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.
7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

#### E. Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for the student's illegal

413 use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action  
414 against nondisabled students. Such disciplinary action is not subject to the complaint or due process  
415 procedures outlined above.  
416

417 **IV. The Section 504/ADA Coordinator for the District is:**

418  
419 **Director of Special Education**  
420 **10 Campus Drive**  
421 **Madison, CT 06443**  
422 **(203) 245-6341**  
423

424 **V. Complaints to Federal Agencies**

425  
426 At any time, the complainant has the right to file a formal complaint with the:

427  
428 U.S. Department of Education, Office for Civil Rights,  
429 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900,  
430 Boston, MA 02109-0111  
431 (617) 289-0111  
432 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.  
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434  
435



## MADISON PUBLIC SCHOOLS

**NOTICE OF PARENT/STUDENT RIGHTS  
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act ("ADA" or "Title II") also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA") as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the Madison Public Schools (the "District") has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The District's obligation includes providing such eligible students a free appropriate public education ("FAPE"). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that the student has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A major life activity may also include the operation of a major bodily function, such as an individual's immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if the student does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the District's education programs without discrimination based on your child's disability;
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on your child's disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;

5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the District's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the District. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

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

528  
529 For additional assistance regarding your rights under Section 504 and Title II of the Americans with  
530 Disabilities Act, you may contact:

531  
532 Office for Civil Rights, Boston Office  
533 U.S. Department of Education  
534 8<sup>th</sup> Floor  
535 5 Post Office Square  
536 Boston, MA 02109-0111  
537 (617) 289-0111.  
538  
539